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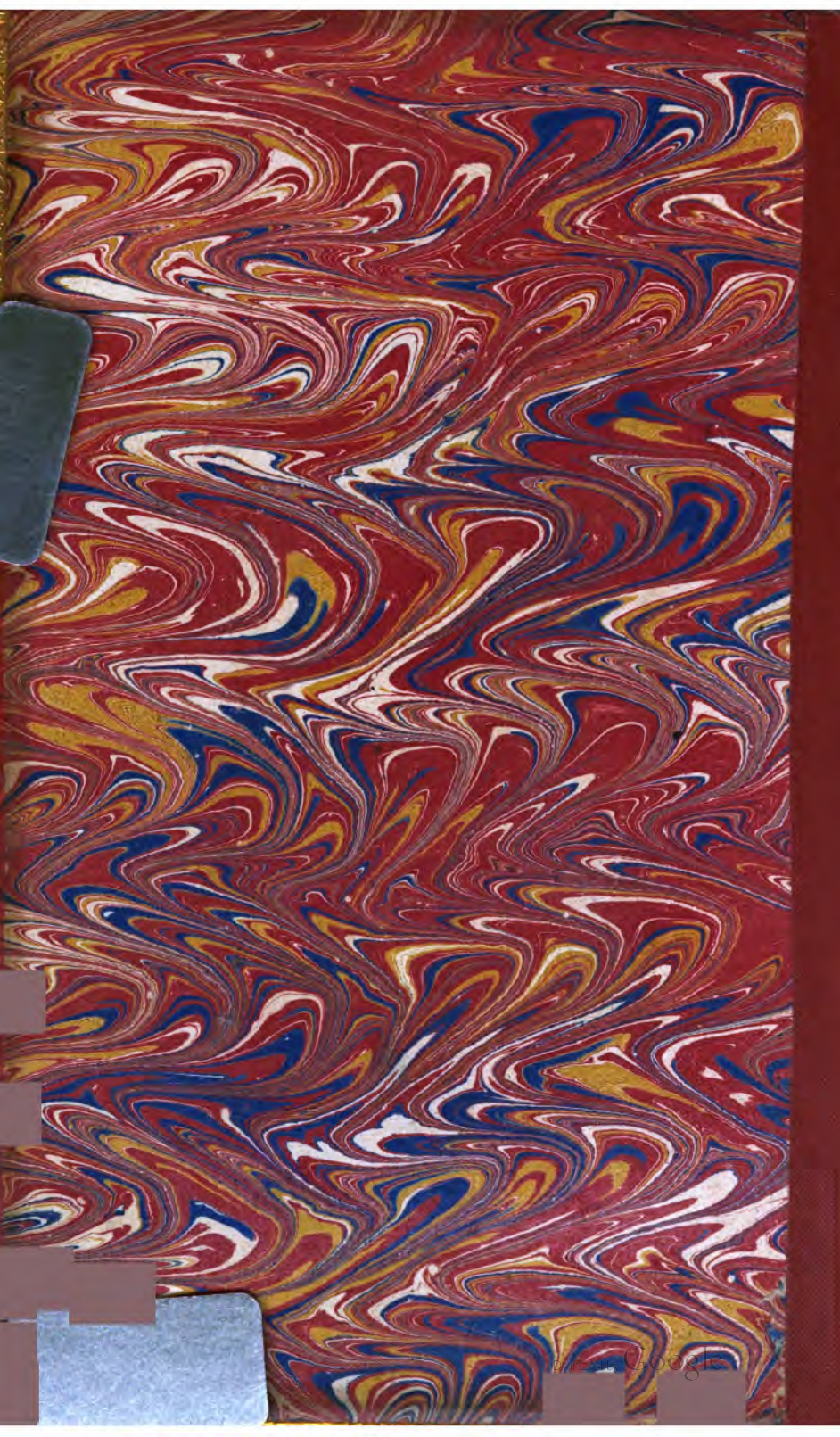
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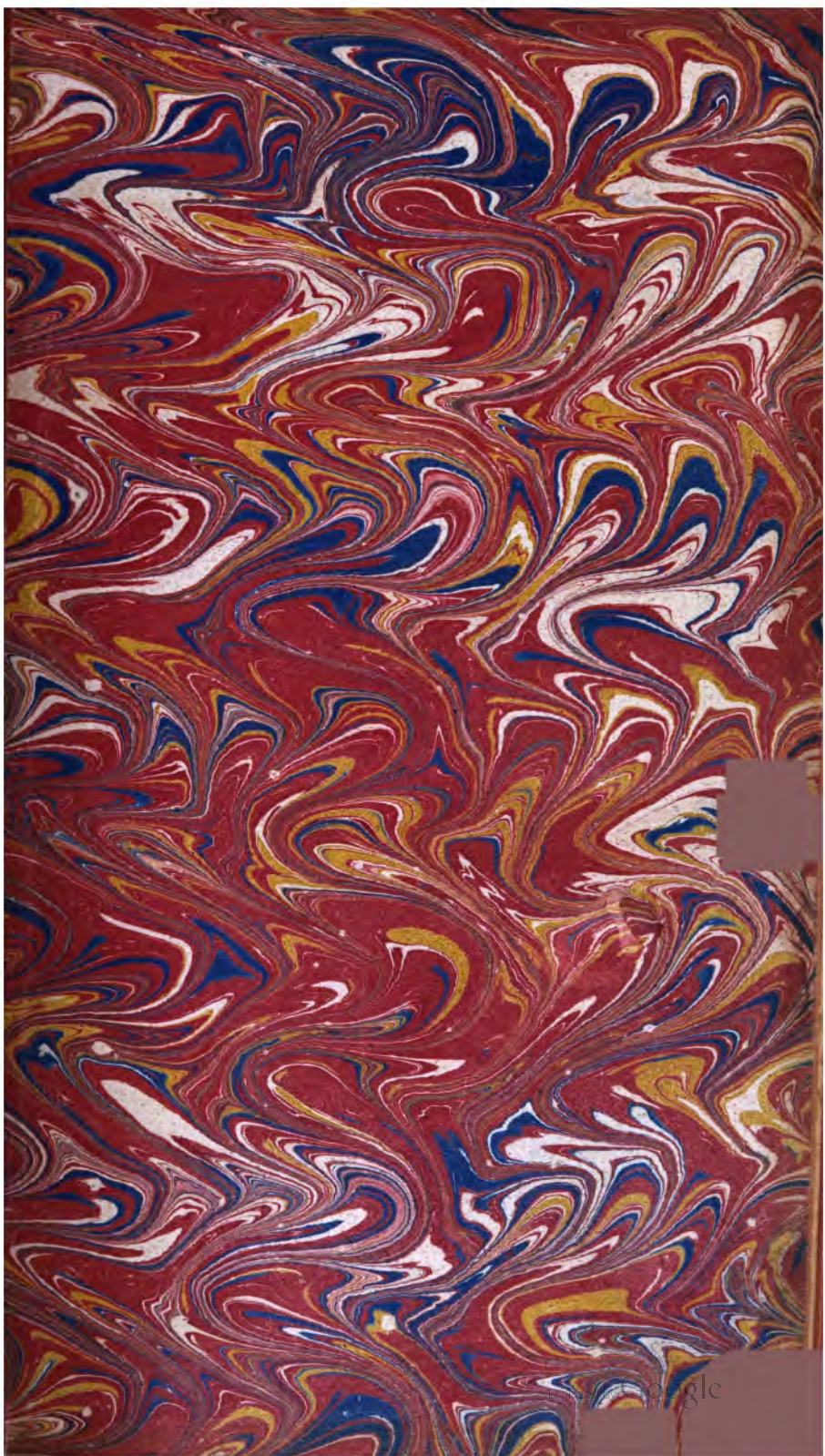
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Town. Oppidum. Burgus; vicus; villa;
Pagus. — Haarnes Discourses.
Vol. I. p. 105.

A N
HISTORICAL TREATISE
O F
C I T I E S
A N D
BURGHS OR BOROUGHES.

S H E W - I - N - G

Their Original, and whence, and from whom, they received
their LIBERTIES, PRIVILEGES, and IMMUNITIES; what
they were, and what made and constituted a FREE BURGH
and FREE BURGESSES.

AS ALSO SHEWING

When they first sent their Representatives to Parliament.

W I T H

A concurrent DISCOURSE of most Matters and Things
incident or relating thereto.

BY DR. B R A D Y.

A NEW EDITION, Corrected.

L O N D O N :

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Inn-Fields.

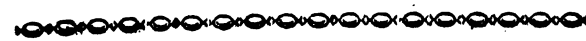
M.DCC,LXXVII.

&

(1777)



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T H E

P R E F A C E

TO THE READER.

WHEN for my own private satisfaction I first began to inquire into the original constitution of Burghs, in this and foreign nations, what they were, and whence their great liberties and privileges. In our ordinary writers, whosoever they were, that discoursed of them as they came in their way, I found little else but prescription, and pretended usage and possession time out of mind, vouched for the great independent rights they have claimed, and do challenge.

And truly by the notion these writers have, and their readers cannot but have, of them, according to their informations, they seem to have been *eternal*, or at least *cœval* with the creation, and so many ready wrought, and framed, small Commonwealths lifted out of the *chaos*, and fixed upon the surface of the earth, with their Walls, Gates, Town or Gild-halls, Courts, Liberties, Customs, Privileges, Freedoms, Jurisdictions, Magistrates, and Officers, in their Formalities, and all extravagant, uncontrollable, and absolute Powers, and absurd Rights, they have of late years pretended to.

But, whoever will seriously peruse this Treatise, shall find the dates of their originals, and gradual augmentations, and must confess they have nothing of the greatness and authority they boast of, but from the bounty of our ancient Kings, and their successors, notwithstanding any other confirmations or acquired right, they may alledge, and acknowledge that prescription, † and pretended immemorial customs or usages avail not, when there are charters or other records which shew, that in this case (of what weight soever they may be in other,) they are mere conjectures, words of course, and the popular assertions of such men, as either knew not how, or would, or for their

† See Appen.
N. 1 b. fol. 6.
B. C. D. E. F.
and fol. 7. A. B.
C. D. E.

more gainful employments could not look into those great monuments of antiquity, and discoverers of truth.

And therefore I have opposed matter of fact, through the whole discourse to these fond imaginations, and easy notions, and for the clearer demonstration of what I intended to evince, have produced all the instances of *Cities, Burghs, and Towns* in both the books called *Domesday-Books*, from whence I could receive any satisfaction of the condition and import of *Burghs* and *Burgeffes* in the Saxon times, without any particular deductions from these instances, or remarks upon them.

'Tis easy for any man that will but note them to observe, that according to the modern way of speaking, they then made but a small figure in the nation; to be sure the *Burghs* were not distinct Commonwealths or Governments, nor the *Burgeffes* Statesmen, or people of much interest, whatsoever some popular and factious writers, who scribble by rote, and according to their own fancies, have delivered to the contrary.

Many other places not named in this Treatise, are either called *Burghs* in the Conqueror's survey, or there are *Burgeffes* mentioned in the description of them; several of which are not now esteemed *Burghs*, nor is there any light of information to be had from them, what *Burghs* or *Burgeffes* then were, as *Torchsey, Louth* and *Stanferd* in *Lincolnshire*, *Stainings* in *Essex*, *Sceptesbury* or *Shaftsbury* in *Dorsetshire*, *Downitone* or *Dountone*, *Theodulveside*, *Saresburie*, *Wilton*, *Malmsbury*, *Chrichlade*, and *Caun* in *Wilts*. *Lideford* and *Totnesse* in *Devon*, *Colchester* and *Maldon* in *Essex*, *Winchelcumb* in *Glocestershire*, *Hereford*, *Snottingham*, or *Nottingham*, these have the bare names only of *Burghs*, or some *Burgeffes* are said to have lived in them, without any thing relating to their quality or condition.

London and *Winchester* are not described in this survey; in *Worcester*, *Derby*, and *Lincoln*, the name of *Burgefs* not mentioned. *Bristol* not to be found in the survey, it was made a city and county 47 Ed. III. though a *Burgh* long before, *Bridgewater* not to be found

found there, nor *Minehead, Lin, or Len* in *Norfolk* only mentioned, but not as a *Burgh*, or town of note.

'Tis only said of *GLOCESTRE*. *Tempore Regis Edwardi* [1] *reddebat civitas de Glowcestre XXXVI lib.* [1] *Domeſd. f. numeratas & XII sextaria mellis ad mensuram ejusdem* ^{126. Col. 1.}
Burgi: In the time of King *Edward* the city of *Glocester* paid thirty-six pounds by tale, and twelve sextaries or gallons of honey; according to the measure of the same *Burgh*, nothing further of this *Burgh* or any *Burgeſſes* therein.

And of *Leiceſter* thus. *Civitas de* [2] *Ledeceſter* [2] *Ibid. f. x30a. Col. 1.*
tempore Regis Edwardi reddebat per annum Regi XXX lib. ad numerum & XV sextaria mellis. Quando Rex ibat in exercitu per terram de ipſo Burgo XII Burgenſes ibant cum ea. Si vero per mare in hoſtem ibat, mittebant ei quatuor equos, de eodem Burgo uſque Londoniam ad comportanda arma, & alia quæ opus eſſent. That is, the city of *Leiceſter* in the time of King *Edward* paid yearly to the King thirty pounds by tale, and fifteen sextaries of honey, when the King marched with his army by land, there went with him twelve *Burgeſſes* of this *Burgh*; when he went by ſea againſt an enemy, he had four horſes ſent from the ſame *Burgh* to *London* to carry arms, or other neceſſaries; nothing more of this *Burgh* or its *Burgeſſes* in the ſurvey.

We may note from both theſe laſt towns, there was not then much difference between a City and *Burgh*, both appellations being given to one and the ſame town; *Leiceſter* never had * *Biſhops*, and at this time * *Sir Edward Gloceſter* had none, the great diſtinction grew, after *Coke*, ſays, all *Biſhops Sees are Cities, &c.*

Nor was the condition of *London* (unleſs men would think otherwiſe from the largeneſs of the place only) much better, or the *liberties and privileges* of it, more, or much greater than thoſe of other Cities, and great *Burghs*. Notwithſtanding the prodigious flat-teries, and elevating harangues, it hath been puffed up with by the author of † *Londinum Triumphans*, † *A Book com- poſed of Fables, and the perverted Hiſtory of ſome ancient and modern, who either on purpoſe, or occa- ſionally, wrote what they found concerning this city, without examination, and ſo were deluded by ſuch as went before them, or by their own imaginations, or apprehenſions. Judging of its former ſtate and condition,*

dition, (or at least what in their opinion it ought to be,) according to the present splendor and appearance of it.

And to demonstrate what I have here said, I caused the *charters* made to the *City of London*, by *Henry the First*, *Henry the Second*, *Richard the First*, and *King John*, to be printed in the Appendix, N. 17. and 18. And likewise the *charters* of *Winchester*, *Lincoln*, *York* and *Norwich*, granted in the same times, by comparing of which one with another, there will be found but little difference in their compositions or in the *immunities*, *liberties*, and *privileges* granted by them. Except that the *Citizens* of *London* by the King's grant, had power and liberty to *distrain* the *goods* of any other *Citizens*, or *Burgesses*, or of any † *inhabitants* of the *Counties*, where such foreign *Citizens* or *Burgesses* lived, that were indebted to them, if found in *London*, as is to be seen in the *charter* of *King Henry the First*, N. 17. f. 27. A. and the confirmation of it in general words, in all the subsequent *charters*, before noted, whereas the *Citizens* and *Burgesses* of other *Cities* and *Burghs*, by their *charters*, had not power to *distrain* the *goods* of a *country-man*, or *inhabitant* of the *county* for their *debt*, if they were not * *debtors* to them, or *sureties* for others.

† See the Charter of Dunwich, N. 3. b. f. 11. A.

* See Dunwich Charter as above. The like in many other ancient Charters of Burghs.

The *Cities* of *Norwich* and *Lincoln*, and all the *liberties* and *free-customs* of the *City* and *Citizens* of *London*, in such manner as when they did best, and most freely enjoy them. See Appendix N. 20, and 22, yet never pretended to, then, such unthought-of liberties.

And after these times, whoever will take the pains to read all the *charters* of *London*, (translated into English by S. G. Gent. (though not so exactly as he pretends,) and dedicated to Sir Robert Clayton, when *Lord Mayor*) which were granted by King *Henry the First*, and our successive *Kings*, will find that all the *great privileges* and *liberties*, that *city* lately enjoyed or pretended to, were the grants of the King's progenitors; and also find them successively, and particularly granted, as the *Citizens* petitioned, bargained, or compounded for them. And therefore no reason for them to plead immemorial custom, or prescription for all, or most things, that might have been found granted by *charter*, if those employed had had time, or will, to have industriously perused them.



A
T R E A T I S E
OF
English Burghs, or Bouroughs.

ISAAC CAUSABON in his Comment upon Strabo and others will have the Greek Πύργος and the Latin *Burgus* to be the same, and the later to be derived from the former, and so to signifie, a Tower, a Castle, or City. He adds, That the Thracians and Macedonians pronounced the word Βύργος instead of Πύργος.

Cluverius in his [1] *Germania Antiqua*, contradicts Causabon and asserts Burg to be a pure German word, and that it signifies, The Placing or Situation of many Houses together, which was called a Vicus or Street, or Rows of Houses close to one another. Not that every Vicus, Street or Congregation of Houses was a Burg, but such only as were the Head or Chief of some Country or Nation; as BATENBURG was the
B chief

[1] F. 89, 90.

Burg a German word.

chief Town of the Batavi, &c. And further notes, That the word in its most ancient signification denotes an INCLOSURE or HEDGE, which was otherwise called TUUN or TUYN, in the same sense as we anciently used Tun, or Ton and, now do Town, and the Scots Tune: Which by the French are rendred Bourg or Bourgade. To this purpose [2] *Luitprandus* (who lived about the year 940.) speaking of the Burgundians, says, *Ipsi Domorum Congregationem quæ Muro non Clauditur BURGUM vocant*, They called a Congregation of Houses which were not inclosed with a Wall, a Burg. That is, it was a great Town, not walled about.

Tun, Ton,
Tun, Town,
Tune, what
they were.
[2] Ibidem.

Burgs why so
called.

Du Fresn in his *Glossary* agrees with *Cluverius*, and says, The Latins, French, and Germans at first called Numbers of Houses joined together Burgs, from whence their great Towns had the same Name, and that afterwards many Towers and Castles were built for the Security of those Towns against the Attempts of Enemies, which were also called Burgs, which is proved by the Termination of many German Towns in Burg; and therefore asserts the word to be rather French, or German, than Greek.

Bergh or Berg
what it signifies.

Wendelin in his *Salic Glossary* of *Atuatic Words*, informs us, That BERGH or BERG sometimes signified *Receptaculum*, a place of Receipt, as in MALLO-BERGUM, a word derived from MALLUS or MALLUM, a Convention for the Determining of Law-Cases, and BERG the House or Place where it was kept. So in the Laws of the [3] LOMBARDS, *Volumus utique, ut Domus à Comite, in loco ubi Mallum tenere debeat, constitutatur, ut propter Calorem Solis, et pluviam publica utilitas non remaneat*. We will, That a House be built by

[3] Lib. 2. Tit.
45. c. 27.

[4] Lib. 3. Tit.
57.

by the Earl where the Mall or Affizes ought to be holden, lest the Public Benefit be hindred or put off, by the heat of the Sun, or Rain. Also in the [4] Capitulars, *Ut in loco ubi mallos publicos habere solent, Tectum tale Constituaturs, Quod in hiberno et Estate Observatum esse possit.* We will, That in the place where Public Malls or Law Conventions ought to be kept, there may be such a Roof or Covering provided, as they may be holden in Winter and Summer; in this sense HIERBERG is now an Inn, or House of Common Receipt: which was at first a place of Receipt for Souldiers, (from Here an Army, and Berg as before) and set upon the Public Roman ways. Whence the same Author explaining the word BERG, saith, That in the Composition of MALBERG, &c. *Non significat Montem aut Tumulum, sed Receptaculum et Tutamen adversus Tempestatum injurias, &c.* It doth not signifie an Hill, or Hillock, Barrow, Tomb, or Grave, but a place of Receipt and Security against the Injury of Weather. *Unde Burgen et Bergen est Tegere ac Tueri, &c.* From whence *Burgen* and *Bergen* signifie to Cover and Defend: And from thence HALSBERG in Dutch, is an Iron Gorget or Collar to defend the Neck. HEUTBERG, and HAUT or HAUBERG an Iron Helmet to defend the Head, and BAINBERG Iron Boots to defend the Legs.

[4] Lib. 3.
Tit. 57.

Somner in his Saxon Dictionary tells us, That BURG signifie a City, Fort, Fortrefs, Tower, Castle, a Bourough, Free-Bourough or Town Corporate and cites *Otfrid* for its Derivation from the Saxon BEORGAN in *Tutum recipere, servare*, to preserve and keep in safety.

Burg signifies a City, Bourough or Town Corporate.

The Author of the [5] Court-Law of Norway [5]P. 708. 709. gives the same sense of the word BURCH, BURGH,

B 2

BORGH,

A TREATISE of
 BORGH, BURGUM, *Munimentum, locus Editus, &
 Munitus, ad salutem hominum.* A BERGHEN in Tutum
recipere, servare.

And whether BURGH was taken for a place of Strength, or a place of Trade, as it was Guarded with the Liberties and Privileges granted by Princes, then (and perhaps now altogether necessary to the advantage of Buying Selling, and Trading, by which Tradesmen quietly and without disturbance enjoy the Benefit of it, BURGHS might truly be called Places of Safety, Protection, and Privilege. But enough of the Notation of the word. I shall proceed to shew what Cities and Burghs were in reference to Trade and other Matters, and of what Value and Reputation the Inhabitants, or Burgeses were in the Saxon Times, and afterwards; when they became Parle-ment-Burghs.

[6] Little
 Domesday, fol.
 118.

NORFOLC [6] REX.

Est Hund. de Flec.

Yarmouth.

* i. e. as well
 in the time of
 King Edward, as
 at the time of
 making the Sur-
 vey.

[7] Append.
 N. 1.

*Gernemwa tenuit Rex Edwardus * semper LXX Bur-
 geses,* King Edward held Yarmouth, there were al-
 ways 70 Burgeses. And there is in the Survey itself
 nothing further said of these Burgeses, what they or
 their Condition was. But in a Controversie [7] that
 happened between the Burgeses of Yarmouth and the
 Tenents of the Maner of Luthinglond in Gorfston and
 little Yarmouth, in the 12th of Henry the Third,
 about Lading and Unlading of Goods, it appears they
 were Merchants and Traders at Sea, and upon the
 Water. That the Kings of England kept this Burg
 in their own Hands, and received by their Officers
 the Profits of the Port, until the time of King John,
 King

King John, who in the 9th year of his Reign [8] [8] Append.
Granted the Burg in Fee-Farm to the Burgesſes for N. 2.
ever, at the Rent of Fifty-Five Pounds by the Year
to be paid by the Provoſt or Bayliſſ of YARMOUTH,
and Granted they ſhould yearly chuſe a Bayliſſ among
themſelves, fit both to ſerve him, and themſelves.

[8] NORFULC.

[8] Domeſday
ut ſupra.

Hundred de Teiſford Terræ Regis in Teiſford, &c.
After an Eſtimate made of the Lands and Mills be-
longing to the King and Earl or Sheriff it follows,

In Burga autem erant DCCCCXLIIII Burgenſes Theſford.
Tempore Regis Edwardi, de his Rex omnem conſuetudi-
nem habet. De iſtis hominibus erant XXXVI ita DO-
MINICI Regis Edwardi, ut non poſſent eſſe homines Cu-
juſlibet, ſine licentia Regis; Alii omnes poterant eſſe ho-
mines Cujuslibet, ſed ſemper tamen Conſuetudo Regis re-
manebat præter HERIGETE. Modo ſunt DCCXX
Burgenſes & CCXXIIII Manſuræ vacuæ. De iſtus
Burgenſibus XXI habent VI Carucas & LX acr. quas
tenent de Rege, &c. That is, In the Burg there were
944 Burgeſſes in the Time of King Edward and the
King had all the Cuſtom they paid, or had of them all
ſorts of Cuſtom, of thoſe men there were 36 ſo much
under the Power of King Edward or ſo much his
Vaffals, as they could not be the Vaffals of, or have
any other Man to be their Patron, without his Li-
cence, all the other might put themſelves under the
Patronage or Protection of any other Lord. But ſo as
their Cuſtom always remained to the King, except
only the Hereot. Now there are 720 Burgeſſes, and
224 Houſes or Dwellings void. Of theſe Burgeſſes 21
have ſix Plough-Lands and 60 Acres, which they
Held of the King, &c.

TERRÆ

[9] Ibid. f. 304.
& f. 311. b.

TERRÆ [9] ROBERTI MALET IN SUDFULC.

Dunwich.

DUNEWIC [9] *Tenuit* EDRICUS *de* LESEFELDE T. R. E. *pro uno* Manerio, & *modo* ROBERTUS MALET *Tunc* II Carruc. *Terræ, modo* I, *Mare abstulit* aliam, & *semper* I Car. *in Dominio* *Tunc* XII Bordar. *Modo* II & XXIII *Franci homines* *de* XL ac. *Terræ, & omnem consuetudinem reddunt* *huic* Manerio, & *Tunc* C & XX *Burgenfes, & modo* CCXXXVI.

Edric de Lesefelde held DUNEWIC in the time of King Edward for one Maner, and now ROBERT MALET holds it. Then there were two Plough-Lands, now one, the Sea hath washed away the other, and there was alway one Plough-Land in Demeasn, then twelve Bordars, now two, and 24 French, or Freemen, each 40 Acres, who pay all Custom to this Maner, and then 120 Burgesfes and now 236, &c.

For the Quality of this Burg and the Condition of the Burgesfes, see the Grant and Confirmation of their Liberties, 1 *Johannis* in the * Appendix, N. 3.

[1] *Domesday*
ut supra, f.
1. 18. a.
Norwich.

[1] NORFULC.

Franci de Norwic. In Novo Burgo XXXVI *Burgenfes & VI Anglici, & ex Annua consuetudine reddebat unusquisque* 5d. *præter Forisfacturas, de hoc toto habebat* Rex *Duas partes, & Comes Tertiam. Modo* XLI *Burgenfes Franci in Dominio Regis & Comitis, & Rogerus Bigot habet* L, & *Raddulfus de Bellefago* XIII, & *Hermerus* VIII, & *Robertus Arbalistarius* V. & *Fulcherus homo Abbatis* I & *Isac. I & Rad. Viso Lupi* I & *in Pfistrino Comitis, III.* And then it follows, *Tota Terra*

*Terra Burgenſium erat in Dominio Comitſ, & * Rad. Conceſſit Regi in Commune ad faciendum Burgum inter ſe & Regem ut Teſtatur Vicecomes, & omnes Terræ iſtæ tam Militum, quam Burgenſium reddunt Regi ſuam Conſuetudinem.*

* Ralph de Guader that Rebelled againſt the Conqueror, &c.

There were 36 French Burgeſſes in Norwich in the New Burg, and ſix Engliſh, and every one paid an Annual Cuſtom of 5*d.* beſides their Mulcts and Forfeitures. The King had two parts of the whole, and the Earl the third part. Now there are 41 French Burgeſſes VASSALS to the King, and Earl; and ROGER BIGOT hath 50, and *Ralph de Belleſago* hath 14, and Hermer 8, and Robert a Manager of Battering Engines 5, Fulcher Vaſſal to the Abbat 1, and Iſaac 1, and Ralph Wolfs-face 1, and three in the Earls Bake, or Grinding-Houſe. All the Land of the Burgeſſes (in the New Burg) was the Demeaſn of Earl *Ralph*, who Granted it to the King in Commune with himſelf, to * make a Burg, to be (that is the Profits of it) between him and the King; and all thoſe Lands which were the Knights or Burgeſſes paid their Rent to the King.

* This was the Caſtle, or the Land about the Caſtle, which was within its outmoſt Ditch, or within its more immediate Jurisdiction.

NORFOLC.

In the old City, or Burg.

In [2] Norwico de MCCXXXVIII Burgenſibus Rex & Comes habent Socam, Sacam, & conſuetudinem, de L Stigandus habuit Socam, Sacam & Commendationem, de XXII Heroldus habuit Socam, Sacam & Commendationem, et unus eorum ita Dominicus eſſet ut non potuit decedere vel homagium facere ſine ejus Licentia.

[2] Domeſ. ut ſupra, f. 116.

In Norwich the King and Earl have the Jurisdiction and Cuſtom of 1238 Burgeſſes STIGAND, had

A TREATISE of

had the Jurisdiction and Protection, or Money for the Protection of 50, and Herold of 22; whereof one was so much his Vassal, as he could not depart or do Homage to any other without his Licence.

[3] DEVENESCIRE.

[3] Great
Domes. Book
f. 100. a Col. 1.
Excester.

In Civitate Exonia habet Rex CCC Domus XV. minus reddentes Consuetudinem, in hac Civitate sunt vastatae XLVIII Domus postquam Rex venit in Angliam. Burgeses Exoniæ urbis habent Extra Civitatem Terram XII Carucat. Quæ nullam Consuetudinem reddunt nisi ad ipsam Civitatem.

In the City of Excester the King hath 315 Houses more or less paying Rent in this City, 48 lying wast, since the King came into England. The Burgeses of the City of Excester have 12 Plough-Lands without the City which pay no Custom, or Rent, unless to the City it self.

This is all that is to be found in the Description of Excester, concerning the Inhabitants or Burgeses of that place.

TERRA [4] REGIS.

[4] Ibid. Col. 2.
Barnestaple.

*Rex habet Burgum Barnestaple, Rex Edwardus habuit in Dominio ibi sunt intra Burgum XL Burgeses & IX sunt Extra Burgum, inter omnes reddunt Regi XL Sol. ad pensum, * Episcopo Constantiensi XX Sol. ad numerum, This is all of this Burg and its Burgeses.*

* He was probably their Protector, or Patron.

The King hath the Burg of Barnestaple, King Edward had it in Demeasyn, there are within the Burg
40 Bur-

40 Burgesſes and nine without, amongſt them all they pay the King 40 s. by weight, and the Biſhop of Conſtance 20 s. by Tale.

Rex habet [5] Burgum Lideford, Rex Edwardus Tenuit in Dominio, ibi ſunt XXVIII Burgenſes intra Burgum & XL. Extras, inter omnes reddunt Regi LX Sol. ad penſum, & habent II Caruc, Terræ Extra Burgum.

Lideford.
[5] Ibid.

The King hath the Burg of Lideford, King Edward held it in Demeaſn, there are within the Burg 28 Burgeſſes, and 41 without, amongſt them all, they pay the King 60 s. by Weight, and they have two *Plough-lands* without the Burg, this is all of this Burg, and its Burgeſſes.

[6] BERROCHE SCIRE.

*In Burgo de Walingford habuit Rex Edwardus VIII. Virgatas Terræ, et in his erant CCLXXVI * Hægæ reddentes XI Lib de Gablo, &c.* In the Burg of Walingford King Edward had eight Virgates of Land, upon which were 276 Hages or Houſes, paying eleven Pound Rent. The reſt of the Deſcription of this Burg is a long and rude Catalogue of all the Hages or Houſes belonging to this Town, and their Owners being either in Bark-ſhire or Oxford-ſhire ſides. With their rents or Cuſtoms, many whereof belonged to Forreign Maners, not one word of any Burgeſſes in the Survey. But by the Charter of King [7] Henry the Second, there were many and large Liberties and Privileges granted them by the Name of Burgeſſes of Walingford.

[6] Domeſ. ut ſupra, f. 56. a Col. 2.
Walingford.

* From the Saxon Hægæ a Houſe, which was commonly Ditched, or Hedged about, whence our word Haye, or Hey.

[7] Append. N. 4.

[8] SUD-

[8] Little
Domesd. f. 290. a.

[8] SUDFOLC.

De Dimid. Hund. De Gepeswit.

Ipswich.

In Burgoefrant Tempore Regis Edwardi DXXXVIII Burgenfes reddentes confuetudinem Regi, & habebant XL acr. Terræ. Modo vero funt CX Burgenfes, qui confuetudinem reddunt, & C pauperes Burgenfes, qui non poffunt redere ad Geltum Regis nifi unum Denarium de fuis Capitibus & CCCXXXVIII. Vafatæ funt, &c. In the Burg of Gipswic, or Ipswich, there were in the time of King Edward 538 Burgeffes which paid Cufdom to the King, and had 40 Acres of Land, now there are only 110 Burgeffes which pay Cufdom, and 100 poor Burgeffes, which can only pay one Penny a Head, and 328 Manfions lye wafte; nothing more of this Town as a Burg, or of its Burgeffes.

SUDFULC.

[9] Domesd. ut
fupra. f. 319. b.

Terra [9] Roberti Malet. Hund. de Hertefmera.

Eye.

Ejam Tenuit Edricus XII Car. Terræ T. R. E. Mo- do Tenet R. in Dominio, &c. Et modo [1] mercatum, & [1] Parcus, in Mercato Manent XXV Burgenfes. Huic Manerio pertinent XLVIII focmani CXXI acr. Terræ. Ex his focmannis funt XXXVII in Dominio, &c.

The Land of Robert Malet, in the Hundred of Hartefmer.

Edric held Eye, there were, 12 Plough-Lands in the time of King Edward, now Robert holds it in Demeafn, &c. And now there is a Market, and a Pound for Cattle, or rather a Park for Deer. And
to

to the Market belong 25 Burgesſes. To this Maner there belonged 48 Socmen, who had 121 Acres of Land, of theſe Socmen there were 37 in Demeaſn, or the Lords Vaſſals. This is all concerning the Burgeſſes of this Town.

[1] BOCHINGHAM SCIRE.

Bochingham [1] *cum Bortone pro una Hida ſe defendebat. T. R. E. & modo ſimiliter facit. Terra eſt VIII Caruc. in Dominio ſunt II. Villani habent III Car. & Dimid. & adhuc Due & Dimid. poſſunt fieri. Ibi ſunt XXVII Burgenſes & XI Bordar. & II Servi, Ibi. 1. Molin. de XIII Sol. Pratum VIII Car. paſtura ad Pecuniam Ville. In totis valentiis T. R. E. reddebat X Lib. ad Numerum. Modo reddit XVI Lib. de albo argento.*

[1] Great Domeſd. Book, f. 143. Col. 1. *Buckingham.*

Eccleſiam hujus Burgi Tenet Remigius Episcopus & Terram IIII Caruc. Quæ ad eam pertinet ibi ſunt IIII Carucæ & III Villani & III Bordar. & X Cotar. Et I Molin. X Solidor, Pratum II Car. Nemus ad ſepes, valet & valuit VI Lib. T. R. E. VII Lib. hanc Eccleſiam Tenuet Willielmus Episcopus de Rege E.

*In hoc Burgo Episcopus Conſtantiensis habet III Burgenſes quos tenuit Wluward filius Eddeve bi reddunt VI Sol. & VI Denar. per annum & * Regi reddunt XI Denar.*

Hugo Comes habet I Burgenſem qui fuit homo Burcar- di de Senelay hic reddit XXVI Denar. per annum, & Regi V Denar,

* Q. Whether this not Geltum Regis, which is frequently ſaid to be paid by Burgeſſes in General.

Robertus de Olgi habet I Burgenſem qui fuit homo A- zor f. Toti, hic reddit XVI Denar. per annum, & Regi V Denar.

Rogerus

Rogerus de Juri habet IIII Burgenses qui fuerunt homines ejusdem Azor hi reddunt VII Sol. et VI Denar. et Rege XIII Denar.

Hugo de Bolebec habet IIII Burgenses qui fuerunt homines Alrici. Hi reddunt XXVIII Denar. et Regi XII Denar.

Manno Brito habet IIII Burgenses qui fuerunt homines Eddeve femine Syred hi reddunt XXIX Denar. Regi nil Debent.

Musart. *Hascojus Musart habet I Burgensem qui fuit homo Azor, f. Toti, hic reddat XVI Denar. et Regi II Denar.*

Ernulfus de Hesding habet I Burgensem qui fuit Wilaf hic reddit per annum II Sol. et Regi III Denar.

Willielmus de Castellon de Feudo Episcopi Baiocensis habet II Burgenses, qui fuerunt homines Leuwini Comitis, hi reddunt XVI Denar. et Regi modo Nihil. Sed T. R. E. reddebat III Denar.

De Feudo Alberici Comitis I Burgens reddit Regi II Denar.

Leuumus de Neuucham habet V Burgenses et T. R. E. habuit, Hi reddunt ei IIII Sol. per annum et Regi XII Denar.

Bochingham with Borton was Taxed for one Hide in the Time of King Edward, and now likewise, the Arable is eight Plough-Lands. There are two in Demeasn, and the Villains have three Plough-Lands and half, and yet there may be two more and half. There are 27 Burgesles, and eleven Bordars, and two

two Servants, there is one Mill of 14 s. Rent, meadow sufficient for the eight Plough-Lands. Pasture for the Cattle of the Town, for all Dues it paid in the Time of King Edward Ten Pounds by Tale, now it pays Sixteen Pounds of White Money.

Bishop * Remigius, holds the Church of this Burg, and four Plough-Lands which belong to it. There are four Ploughs, and three Villains, and three Bordars, and ten Cotars and one Mill of 10 s. Rent. Meadow sufficient for two Ploughs, and Wood sufficient for Hedges, it is and was worth Six Pounds by the Year, in the Time of King Edward it was worth Seven Pounds, Bishop Wluui held this Church of King Edward.

* A Norman and Bishop of Lincoln.

In this Burg the Bishop of * Constance hath three Burgesies, which Wlward the Son of Eddeve held; these pay Six Shillings and Six Pence to him by the Year, and to the King Eleven Pence.

* In Normandy. The Burgesies of Buckingham paid a yearly Rent to their Patrons, or Protectors.

Earl Hugh hath one Burges who was the *Commendatus*, or under Protection of Burcard of Senelay, he paid Twenty Six Pence by the Year, and to the King Five Pence.

Robert D'Oyly hath one Burges who was the Man, or under the Protection of Azor the Son of Tot, he paid Sixteen Pence, and to the King Five Pence.

Roger de Juri hath four Burgeses which were under the Patronage of the same Azor, these paid Seven Shillings and Six Pence, and to the King Thirteen Pence.

Hugh

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Hugh de Bolebec hath four Burgesſes who were the Men, or under the Patronage of Alric, theſe paid Twenty eight Pence, and to the King twelve Pence.

Manno a Brittain hath four Burgesſes, which were the Men, or under the Protection of Eddeve the Wife of Syred, theſe pay Twenty nine Pence, they owe nothing to the King.

Halcoy Muſart hath one Burgeſs who was under the Protection of Azor Son of Tot. He paid Sixteen Pence, and to the King Two Pence.

Ernulf of Heſding hath one Burgeſs who was Wilaf's, he pays Two Shillings, and to the King Three Pence.

William de Caſtillon Feudal Tenent to the Biſhop of * Bajeux hath two Burgesſes, who were under the Protection, or the Men of Earl Leuvin, theſe paid Sixteen Pence, and nothing now to the King, but in the Time of King Edward they paid Three Pence.

* In Normandy.

One Burgeſs was of the Fee of Earl Alberic, and paid to the King Two pence.

Leuvin of Neuueham hath Five Burgesſes, and had them in the time of King Edward. Theſe pay to him 4 s. by the year, and to the King 12 Pence.

Here are all the 27 Burgesſes of this Burg Obnoxious to, and under the Protection of Foreign Lords, and Patrons.

Dominio

NORTHANTSIRE.

Tempore [2] Regis Edwardi fuere in Northantone in [2] Domest. ut supra, f. 219. a. Col. 1.
Dominio Regis LX Burgenses habentes Totidem Man-
siones, ex his sunt modo XIV Vaste. Residue sunt XLVI. Northampton.
prater hos sunt Modo in Novo Burgo XL Burgenses in
Dominio Regis Willielmi.

In the time of King Edward there were in Northampton 60 Demeasn-Burgesses of the King, or 60 Burgesses Vassals to him; that had so many Mansions, of which 14 are now waste. The Residue are 46. Besides these, there are now in the * New Burg 40 Demeasn-Burgesses of King William. This is all I find either concerning this as a Burg, or its Burgesses; only a little further 'tis said, *Burgenses de Han'tone reddunt Vicecomiti per Annum XXX Lib. et X Sol. hoc pertinet ad firmam ipsius.* The Burgesses of Hamton pay to the Sheriff 30 Lib. and 10 s. by the year, and it belongs to his Farm, (that is, his Farm of the whole Shire.)

*The New Burg was either the Castle, or situate within the Precinct of it.

HERTFORDSIRE.

Burgum [3] Hertford, pro X hidis se Defendebat T. [3] Domest. ut supra, f. 132. a. Col. 1.
R. E. et modo non facit, ibi erant CXLVI Burgenses in
Soca Regis Edwardi. Hertford.

Alios XVIII Burgenses habet Rex Willielmus, qui fuere homines Comitis Heraldai, et Comites Leuini, omnes Consuetudines reddunt.

The Burg of Hertford in the time of King Edward was Taxed as much as Ten Hides, now not so much :

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much: There were 146 Burgesſes under the Liberty or Privileges of King Edward.

King William hath 18 others, that were the Men; or under the Protection of Earl Herald, and Earl Leuvin. They paid all Cuſtoms.

Nothing more relating to Burg or Burgeſſes in this place.

EURNICSCIRE.

[4] Domeſd. ut ſupra, f. 298. a. Col. 1. York.

* Such as were left for an annual Rent, and the Inhabitants bound to reſide in them:

*In Eboraco [4] Civitate Tempore Regis Eduardi præter Scyram Archiepiſcopi fuere VI Scyræ, una ex hiſ eſt Vaſtata in Caſtellis. In Quinque Scyris fuere Mille et Quadringente et Octodecim Manſiones * hoſpitate, &c.*

De ſupradictis omnibus Manſionibus ſunt modo hoſpitate in manu Regis reddentes Conſuetudinem quadringente IX Minus inter Magnus et Parvas. Et CCCC Manſiones non Hoſpitate, que reddunt Melior I Denar. et alie Minus, et Quingente et XL Manſiones ita vacue quod nil omnino reddunt. Et CXLV Manſiones tenent Francigene.

In York City in the Time of King Edward, beſides the Archbiſhop's Ward or Diviſions, there were fix Wards or Diviſions, one of theſe was deſtroyed when the Caſtles were built; in five there were 1418 Manſions inhabited, &c.

Of all theſe Manſions there are in the King's Poſſeſſion inhabited and paying Cuſtom 409 great and ſmall, and 400 Manſions not * inhabited, the beſt of which pays one Penny, and others leſs; and 540 Manſions ſo uninhabited as they yield nothing at all The French hold 145. The reſt of the Deſcription of

* Non hoſpitate; i. e. they had no conſtant Inhabitant tied to Reſidence, but ſuch as went and came as they pleaſed.

of this City is taken up, in setting down many particular Proprietors of Mansions, and some particular Customs and Privileges belonging to some of them. No mention of Burgeſſes, but as it were after the following manner: *Sanctus Cuthbertus habet I Domum quam ſemper habuit, ut plures dicunt, quietam ab omni Conſuetudine. Sed Burgenſes dicunt non eam fuiſſe quietam T. R. E. niſi ſicut una Burgenſium, niſi tantum quod propter eam habebat Theloneum ſuum, &c.* Saint Cuthbert, or the Church of Dureſm, hath one Houſe which it always had, as many ſay, free from all Cuſtom; but the Burgeſſes ſay it was not free in the Time of King Edward, otherwiſe than one of the Burgeſſes Houſes was free, except by reaſon thereof he paid no * Toll.

* For things bought and ſold in the Market; eſpecially victuals.

CHENTH.

*In Civitate [5] Cantuaria habuit Rex Edwardus L et I Burgenſes reddentes Gablum, et alios CC et XII ſuper quos habebat Socam et Sacam, &c. Modo Burgenſes Gablum reddentes ſunt XIX. de aliis qui fuerant XXXII obierunt, et adhuc ſunt CC et XII Burgenſes ſuper quos habet Rex Sacam et * Socam, &c.*

[5] Domeſd. ut ſupra, f. 2. a Col. 1. Canterbury.

* Money paid for their liberty and Privilege.

*Burgenſes habuere XLV Manſuras extra Civitatem, de quibus ipſi habebant Gablum et * Conſuetudinem, Rex autem Sacam et Socam, ipſi quoque Burgenſes habebant de Rege XXXIII Acr. prati in Gildam ſuam, has Domus et hanc Terram Tenet Rannulphus de Columbels, habet etiam quater XX Acras Terræ ſuper hæc. Quas Tenebant Burgenſes in Allodia de Rege, de his omnibus revocat idem Rannulphus ad Proteſtorem Episcopum Bajonenſem.*

* Probably forfeitures and Toll in this place.

In the city of Canterbury King Edward had Fifty-one Burgeſſes paying Rent, and other 212 under his Privilege and Jurisdiction, &c. Now the Burgeſſes
C paying

A TREATISE of

paying Rent are 19, the others which were 32 are dead, and yet there are 212 under the King's Privilege and Jurisdiction.

The Burgeses had Forty Five Houses without the City, of which they had the Rent and Custom, but the King had the Jurisdiction and Soke. The Burgeses also had of the King Thirty Three Acres of Meadow which was toward the Maintenance of their Guild, or belonging to their Society, besides these, which the Burgeses held freely of the King. For all these the same Ranulf voucheth the Bishop of Bajoux for his * Protector. Nothing more here concerning the Burgeses.

* He held them of him, and he was his Warrant for the Possession.

C H E N T H.

Terra Archiepiscopi Cantuariensis.

Archiepiscopus [6] Tenet Aldington in Dominio, &c.

[6] Domest. ut supra, f. 4. a Col. 1.

* Pertinentes, servi qui ad aliquem pertineant, subditi, tenentes, &c. du Fresn, in verbo.

Romeney.

*In Romenel [6] sunt quater XX & V Burgeses qui * pertinent ad Aldington Maner. Archiepiscopi, et valuerunt et modo valent Domino VI Lib.*

The Archbishop holds Aldington in Demeasyn, &c.

In Romeney there are Eighty Five Burgeses, which belong to Aldington the Manor of the Archbishop, and they were worth, and now are worth to the Lord Six Pounds, (that is, so much by the Year.)

[7] Domest. ut supra, f. 203. a Col. 1.

* Ferlingus, or, Quarentena Terræ tunc continebat 32 acras Terræ

[7] HUNTEDUNE SC

*In Burgo Huntedone sunt IIII * Ferlingis T. R. E. fuerunt et sunt*

genses Consuetudines omnes et Geldum Regis reddentes, et sub eis sunt C Bordarii qui adjuvant eos ad persolutionem Geldi. De his Burgenfibus habuit Sanctus Benedictus de Ramefyg. X cum Saca et Soca, et omni Consuetudine: Tantum modo Geldabant T. R. E. Hos abstulit Eustachius per vim de Abbatia, et sunt modo cum ceteris in Manu Reges. Huntingdon.

Ulf Fenisc habebat XVIII Burgenfes, modo habet Gislebertus de Gand cum Saca et Soca præter Geldum Regis.

In the Burg of Huntington there were Four Furlongs. In two of them there are now, and were in the Time of King Edward 116 Burgesfes, paying all Customs, and the King's Tax, and under them are 100 Bordars which help them to pay the Tax. Of these Burgesfes the Abby of Ramefy had Ten with Jurisdiction, and Soke-Money, and all Custom. They were only Taxed in the time of King Edward. These Eustachius (the Earl) took by force from the Abby, and they are now with the rest in the King's Hand.

Ulf Fenisc had Eighteen Burgesfes, now Gilbert de Gand hath them, with Jurisdiction and Protection-Money, except the King's Tax.

The further Description of these Two Furlongs is in noting, who had been Proprietors, and what Houses had been destroyed for a place to build the Castle in.

In aliis duobus [8] Ferlingis fuere et sunt CXL Bur- [8] Ibidem.
genses ad omnes Consuetudines et ad Geldum Regis, et isti habebat quater XX Hugas pro quibus dabant et dant omnes Consuetudines, de his habebat Sanctus Benedictus de

A TREATISE of

Ramefy XXII. T. R. E. Duo ex his fuere quieti ab omnibus Consuetudinibus, et XXX reddidere quisque X Denar. per Annum.

In the other two Furlongs there were, and are 140 Burgeſſes which pay all Customs, and the King's Tax, and they had Eighty Hages or Houſes, for which they did give, and do give all Customs, of which the Abby of Ramsey had Twenty-two in the Time of King Edward; Two of these were free from all Customs, and Twenty paid every one Tenpence by the Year, the Reſidue of the Survey of these two Furlongs is as the other; nothing more of the Burgeſſes.

STADFORD SCIRE.

[9] Domeſd.
f. 246. a Col. 1.

Stafford.

In Burgo de [9] Stadford habet Rex in ſuo Dominio XVIII Burgenſes, the King hath in Demeaſn Eighteen Burgeſſes in the Burg of Stafford; nothing further particularly about the Burg or Burgeſſes.

TERRA HENRICI DE FERRARIIS, VEL
FERIERES.

[1] Ibid. f 248.
b Col. 1.
Tutberie Caſ-
tle.

Henricus de [1] Ferreres habet Caſtellum de Toteberie, in Burgo circa Caſtellum ſunt XLII homines de Mercato ſuo tantum viventes, et reddunt cum foro IIII Lib. et X. Sol.

*Henry de Ferrers hath the Caſtle of Tutbury, in the Burg; about the Caſtle are XLII *Men, which only Live upon his Market, and they with the Market yield Four Pounds and Ten Shillings.*

*i. e. Burgeſſes.

SUMER-

SUMERSETTE.

Rex tenet [2] Bade T. R. E. Geldabat pro XX Hid. Quando Scira Geldabat. Ibi habet Rex LXIII Burgenses reddentes IIII Lib. et quater Viginti et X Burgenses aliorum hominum reddunt ibi LX Solid.

[2] Domesd. &
87. a Col. 2.
Bath.

The King holds Bath; in the time of King Edward it was Taxed at the rate of Twenty Hides, when the Shire was Taxed. There the King hath Sixty four Burgesses, paying him four Pounds by the Year, and there are Ninety under the Protection of other Men which pay Sixty Shillings yearly. Nothing more of this Town or its Burgesses.

In [3] Tanton there is only mention of Sixty Four Burgesses which paid Thirty Two Shillings, but there are many Privileges noted to belong to that Town then.

[3] Ibid. b.
Col. 1.
Tanton.

*Rex tenet * Mileburn, Rex Edwardus tenuit nunquam Geldavit nec scitur quot bidæ sunt ibi, Terra est L. Caruc. &c. In hoc manerio sunt 56 Burgenses cum Mercato Reddentes, LX Sol.*

* Domesday,
fol. 86. b.
Col. 1.

The King holds Mileburn, King Edward held it, 'twas never Taxed, neither is it known how many Hides there are; the Arable is 50 Carucates, &c. In this Manor there are 56 Burgesses with the Market, paying Sixty Shillings. Nothing more of this place, and its Burgesses.

In * Givelcester sunt CVII Burgenses Reddentes XX Sol. Mercatum cum suis Appendicibus Redd. XI Lib.

* Ibid.

A TREATISE of

In Givel, or Ilcester, there are 107 Burgeſſes, who pay Twenty Shillings, the Market with its Appendices, or what belongs to it, pays 11 Pounds. This is all to the present purpose, in the Description of this Town,

HANTESCIRE.

[4] Domest. f.
52. a Col. 1.
Southampton.

In Burgo de [4] Hantune habet Rex in Dominio quater XX homines IIII minus, qui reddunt VII Lib. de Gablo Terræ, et totidem reddiderunt T. R. E. In the Burg of Hamton the King hath in Demeasfn, or his immediate subjection, Eighty Four Men or Tenants at least, which pay Seven Pounds Rent for their Land, and so much they paid in the time of King Edward; not one word of any Burgeſſes in the Survey of this Town, unless these Eighty-four Men were such, as there can be no doubt but they were.

SUDSEX.

Terra Willielmi de Waren.

[5] Ibid. f. 26.
a Col. 1.
Lewes.

Burgum de [5] Lewes T. R. E. reddebat V1 Lib. et IIII Solid. et III obolos de Gablo et de Theloneo ibi Rex Edwardus habebat CXXVII Burgenſes in Dominio. The Burg of Lewes in the time of King Edward did yield 6l. 4s. 1d. ob. for Rent and Toll. There King Edward had 127 Burgeſſes in Demeasfn, or in immediate Subjection to him, or that were his Vassals.

SUDSEX. TERRA COMITIS MERITONI-
ENSIS.

[6] f. 20. b.
Col. 1.
Pevenſey.

In Burgo [6] Pevenſel T. R. E. fuere XXIIII Burgenſes in Dominio Regis et reddebant de Gablo XIII Sol.

Sol. et VI Denar. de Thelonea XX Sol. De portu XXV Sol. De pastura VII Sol. et III Denar.

Episcopus de Cicestre habebat V Burghenses. Edmer Presbyter XV, Ormer Presbyter V, Doda Presbyter III.

Quando Comes de Moritonio recepit, nisi XXVII Burghenses, modo habet ipse in Dominio LX Burghenses redditentes XXXIX Sol. de Gablo. Theloneum IIII Lib. Moneta XX Sol.

Monachi de Moritonio VIII Burghenses de LXVI Denar. Gislebertus Vicecomes I Burghensem de XX Denar. Willielmus de Cabainges II Burghenses de II Sol. Ausfridus IIII de II Sol. Girolodus II de VI Sol. And so others that had Burghesses in this Burg to the Number of Forty-One Burghesses under several Patrons.

In the Burg of Pevensey in the Time of King Edward there were Twenty-four Burghesses in Demeasfn of, or Vassals to the King, who paid Fourteen Shillings and Six Pence Rent. Tol. Twenty Shillings, Port Custom, or for use of the Port Twenty-five Shillings, for Pasture Seven Shillings and Three Pence.

The Bishop of Chichester had Five Burghesses, EDMER a Priest Fifteen, ORMER a Priest Five, DODA a Priest Three.

When the Earl of Moreton received this Burg, he had but Twenty-seven Burghesses, now he hath in Demeasfn Sixty Burghesses, paying Thirty-nine Shillings

A T R E A T I S E of Shillings Rent, Tol. Four Pound, Money Twenty Shillings.

* In Normandy. The Monks of * Moreton had Eight Burgeses which paid them Sixty-six pence. Gilbert the Sheriff one Burges which paid Twenty-pence. William de Cahainges Two Burgeses that paid him Two Shillings. Ausfrid four that paid Two Shillings. Girold Two that paid Six Shillings, &c. These were Annual Payments.

[7] *Domefd. f. 23. a Col. 1. Chichester.* In the City of [7] Chichester, no mention of any Burgeses, only of Hages, Houses and Dwellings, and that it paid Ten Pounds yearly to the King, and Five Pounds to the Earl in King Edward's time ; That it was then worth but Twenty-five Pound, yet it paid Thirty five Pounds.

[8] *Ibidem, Arundel.* *Castrum [8] Harundel inter Burgum et Portum Aquæ, et Consuetudinem Navium reddit XII Lib. et tamen valent XIII.*

The Burg and Port of the Castle of Arundel, with the Custom of Ships, yielded Twelve Pounds, and were worth Thirteen Pounds.

Morines habet ibi Consuetudinem de II Burgensibus XII Denar. Ernaldus I Burgensem de XII Denar. Sanctus Martinus I Burgensem de XII Denar.

Morin had there the Custom of Two Burgeses Twelve pence. Ernald of One Burges Twelve pence. the Church of St. Martin one Burges Twelve pence,

W A R W I C S C I R E.

[9] *Domefd. f. 238. a Col. 1. Warwick.* *In Burgo de [9] Warwic habet Rex in Dominio suo CXIII Domus, et Barones Regis habent CXII de quibus omnibus Rex habet Geltum suum.*

In

In the Burg of Warwic the King hath in his Demesne 113 Houses, and the Kings Barons have 112, of all which the King hath his Tax. And then the Survey notes all the Bishops, Abbats, Earls, and Barons, that were possessed of those Houses. Nothing further of the Burghesses and Burg to any purpose, except these Words. *In ipso Burgo XIX Burghenses qui habent XIX Mansuras cum Saca & Soca & omnibus Consuetudinibus & ita habebant T. R. E.* In this Burg there are Nineteen Burghesses who had Nineteen Houses, with Jurisdiction, Protection-Money and all Customs, or Forfeitures incurred in them, and so it was in King Edward's time.

TERRA REGIS.

Rex tenet [1] Coleshelle, &c. Et in Tameworde X Burghenses huic Manerio pertinentes. The King holds Coleshull and Ten Burghesses in Tamworth belonging to this Manor. That is, paid their Customs to the Lords of it.

[1] Ibid. Col. 1.
Coleshelle and Tameworth.

WILTESHIRE.

Terra Regis.

*Rex * habet de tertio Denario de Cricelade V Lib.*

* Ibid. f. 64. b.
versus finem.

The King hath Five Pounds of the Third Penny of Criklade.

*Rex * Tenet Albeborn, Ghida tenuit T. R. E. Geldabat pro XL Hidis, &c. Huic manerio pertinebant VI Burghenses de Cbrichelade reddentes LXIII Denarios.*

* Ibid. fol. 65.
a Col. 1.
C 7, fol. 15.

The

A T R E A T I S E of

The King holds Albeborn, GHIDA held it in the Time of King Edward, to this Maner there were Six Burgeses of Crichelade Servants, or base Tenants, who paid yearly Sixty-four pence.

* Ibid. f. 66. a.
Col. 1.

*Episcopus * Sarisberienfis tenet Ramesberie, &c. In Crichelade huic Manerio pertinentes V Burgenfes, reddit V Sol.*

The Bishop of Salisberie holds Ramesberie, &c. In Chrichelade there are Five Burgeses, Servants, or Base Tenants to this Manor, who paid Five Shillings yearly.

* Ibid. f. 66. b.
Col. 1.

*Ecclesia * Glastinberienfis tenet Badberie, &c. In Crichelade I Burgenfis reddit V Denarios.*

The Church of Glastonbury holds Badberie, &c. In Crichlade, one Burges paying Five-pence by the Year.

* Ibid. f. 67. a.

*Ecclesia * Sancti Petri Westmonasterienfis tenet Ecclesiam de Crichelade, & habet ibi plures Burgenfes & Tertium Denarium ejusdem Villæ. Totum simul Reddit IX Lib. Quod habet Sanctus Petrus Westmonasterienfis.*

The Church of St. Peter at Westminster, holds the Church of Crichelade, and hath there many Burgeses, and the Third Penny of the same Town; all together yield to that Church, Nine Pounds.

* Ibid. f. 67. b.
Col. 2.

*Ecclesia * Sæptherienfis tenet Ledington, &c. In Crichelade I Burgenfis reddit VI Denarias.*

The Church of Shaftsbury holds Ledington, &c. In Chrichelade One Burges (that is, One Burges belonging

belonging to that Manor) who paid Six Pence by the Year.

IN WALLIA.

In ipso Manerio [2] Roelent est factum noviter Castellum similiter Roelent appellatum, ibi est Novum Burgum et in eo XVIII Burgenfes inter Comitem et Robertum. [2] Ibid. f. 269. a Col. 2. Roelent.

In ipso Anno hujus Descriptionis datum est ad firmam hujus Burgi Theloneum pro III Solid.

In the Manor of Roelent there was lately erected a Castle called also Roelent: There is a New Burg, and in it Eighteen Burgefles between the Earl, (that is, Hugh Earl of Cheshire,) and Robert (that is, Robert de Roelent.)

In the year of this * Description, the Toll of this Burg was let to Farm for Three Shillings.

* That is, in the year when the Description of Cheshire, and this Country was made.

By these Instances (which are all can be found in both Domefday Books, that do give any light to the understanding what Burgs and Burgefles were in the Saxon times, and in the Reign of Edward the Confessor, as likewise afterward in the Reign of William the Conqueror) we find the Burgefles or Tradefmen * in great Towns, had in those times their Patrons, under whose Protection they Traded, and paid an acknowledgement therefore: or else were in a more servile Condition, as being in *Dominio Regis vel aliorum*, altogether under the Power of the King, or other Lords, and it seems to me that then they Traded not as being in any Merchant-Gild, Society and Community, but meerly under the Liberty and Protection given them by their Lords, and Patrons, who

* Tradefmen in the Saxon times, and in the time of the Conqueror had their Patrons, under whose Protection they Traded.

who probably might have Power from the King to Licence such a number in this or that Port, or Trading Town.

And any Man would think the Charter of the Conqueror, obtained by William Bishop of London, looked this way, and that it was a mere Instrument of Protection rather than a Charter. The Saxon Words are these, as they are found in [3] Holinthead.

[3] Vol. 3. f.
15. n. 20.

See these words in more plain Saxon, pat. 2. Ed. 4. part. 5. m. 23. per inspeimus.

Williem King grets Williem Biscoep & Godfred Port-Refan, & ealle ya Burghwarrn binnen London Frencise et Englise Frenelice, & ic Kiden eoy, yeet ic wille git ben ealra weera Lagay-Weord, ye get Weeran on Eadwerds Daege Kings. And ic Wille yeet aelc Child by his Fader yrfnume after his Fader Daege. And ic nelle ge Wollian yeet adnig Man eoy aenis Wrang beode. God eoy bvald. That is,

* Port-Reve, from Port an Haven or Harbour, and Reve, an Officer, Minister, or Bayliff, that doth business for other Men, and the Port-Reve was the King's Bayliff, that looked after his Customs and Tolls in the Port of London, before they were let to Fee-Farm. The Interpretation of the Conquerors Charter, or protection to the City of London.

William the King Greeteth William the Bishop, and Godfrey the * Port-Reve, and all the Burgessees, or rather Inhabitants of the Burg, within LONDON French and English Friendly. And I declare to you, that I will that you be all Law-worthy as ye were in King Edward's Days, and I will that each Child be his Father's Heir, after his Father's Days. And I will not that any Man command any Wrong to be done to you. God you hold, or Keep.

There are two things remarkable in this Charter, (as 'tis call'd.) First, The Burgessees were declared, all to be Law-worthy. Secondly, That their Children should be their Heirs. Now there were two ways of being Law-worthy, or having the benefit of the Law. By the State and Condition of Mens Persons,

Persons, so almost all Free-Men had the free benefit of the Law, but Men of servile Condition had not, especially such as were *in Dominio*, in Demeasfn, for they received Justice from their Lords, were judged by them in most Cases, and had not the true benefit of the Law; so neither as to the second observable in this Charter, could their Children be their Heirs, for they held their Lands and Goods at the Will of the Lord, and were not sure to enjoy them longer than they pleased him. The second way of being Law-worthy was, when Men had not committed any Crimes, or done any thing for which they forfeited the Law and deserved to be Out-lawed, then they were said to be *Legales homines, recti in Curia*, or Law-worthy, but not so properly as in the first sense of the Word.

From hence we may make a very probable Conjecture at the true meaning of this Protection or Charter. It is not to be doubted, but that the Burghesses of London had obtained of the Saxon Kings several Liberties and Immunities, amongst which this was one, to be so far free as not to be in *Dominio*, or so obnoxious to any Lord, but that by reason of their State and Condition, they might be Law-worthy, that is, have the free benefit of the Law, and had likewise further obtained (if it was not then a consequent of their Personal State and Condition) that their Children should be Heirs of their Lands and Goods, and in both these were free, from the Injuries, and unreasonable Demands, and Power of any severe Lord; So that all the application made by their * Bishop William, and not unlikely by Godfrey the Port-Reve, to the Conqueror for them, was, that their State and Condition might be the same it was in King Edward's Days, that their Children

* He had also been Bishop of London sixteen years, in King Edward's time.

Children might be their Heirs, and that they might in both be protected from the Injury and Violence of imperious Lords, which by the Prevalency of their Bishop were granted; considering therefore that by the foregoing Instances it is clear, that many or most Burgesles of other Burghs, were in *Dominio* either of the King, or some other Lords, or Patrons, in the time of King Edward, and that the Londoners might fear the Conqueror would break in upon their Privileges, and reduce them to the same Condition; this explication seems to discover the genuine Meaning, and very Import of this Protection, or, as 'tis commonly called, Charter.

A Conjecture when the free condition of Burghs began;

* See Append. N. 1. a & b. & N. 2. concerning Great Yarmouth.

How long in most Burghs, very many Burgesles remained in this servile State, or others in a Middle or Neutral State of between Servitude and Freedom, I cannot say certainly, but do suppose, until our ancient Norman Kings granted by their Charters, there should be Merchant or Trading-Gilds, Communities and Societies, in Burghs, and gave them * Free Liberty of Trade, without paying Toll or Custom any where, other than their Fee-Farm-Rent in Lieu of them, where that was reserved; or to raise and multiply such Payments by Encouragement of Trade, which by the Grants of such Liberties did mightily increase, where the King's Bayliffs collected them.

[4] Du Fresn, in verbo. The Communities of Cities and Burghs, here and in Foreign parts erected or confirmed by Kings.

In France and Countries adjoining, the Chief and Ruling Inhabitants, of Cities, Burghs and Towns, that enjoyed these Privileges were called Communities, which in Latin were variously expressed, by the Words [4] *Commune*, *Communia*, *Communitas*, *Communitas*: Du Fresn in his Glossary, and Explication of these words, says, The Kings of France erected

erected these Communities to cheque the insolencies of their great Vassals, and to protect them from their over-grown Dominion and extravagant Power over them, that they reputed such Cities and Towns their own, where there were such Communities; and truly, for that the inhabitants were in a manner freed from the Dominion of their Lords thereby, and became immediately subject to their Kings who by reason of such Establishments had Power to call them forth into their Armies, many such Communities were erected in France by Dukes, Earls, and other great Vassals of that King, which were confirmed by his Assent, and Supreme Right, and where he pleased did institute, and take away such Communities without consulting their Lords, if the Inhabitants offended. The same Author says, that *inter Communia Jura precipua retinentur*, SCABINATUS, COLLEGIUM, MAJORATUS, SIGILLUM, CAMPANA, BENEFICIUM & JURISDICTION. That is, the chief things which constituted a Community, were, a Mayor, Eschevins or Aldermen, a Body, Society, Fraternity or Common Council, out of which they were to be chosen, a Bell-Fry and Bell, to call them together to public Meetings, a Common Seal and Jurisdiction. He gives an account of Ninety-seven in France, and parts adjoining, which were erected by Charters of the Ancient Kings thereof, and their great Vassals. The most ancient, I find amongst them, is the Charter granted by Lewis the Sixth, called the Gros to the Town of St. Riquier in Pontieu, A. D. 1126. He began his reign, July 26, A. D. 1108, and was Contemporary to our Henry the First, they were much increased and multiplied by his Successor Lewis the Seventh, who was Contemporary to our King Stephen, and Henry the Second.

The Rights of, or what makes a Community of a City, or Burg.

Communities, when they first began to be frequent in France, &c.

About

The Burgh-
Laws when first
published in
Scotland.

ARTICLE 136.

About the same time the Laws and Customs of the Burghs of Scotland were published by David the first King of that Nation, who began his Reign A. D. 1124, and was Contemporary to our Henry the First and King Stephen.

It wants not probability though it manifestly appears, that William Rufus, Henry the First and King Stephen, being all Ufurpers, granted large Immunities to Burghs, to secure them to their Party; and by the time, that Glanvil wrote, which was in the Reign of Henry the Second, Burghs had so great Privileges, as that if a Bond-Man or Servant [5] remained in a Burgh as a Burgess or Member of it, a year and day, he was by that very Residence made free, and so it was in Scotland, he was always free and enjoyed the Liberty of the Burgh, if he were able to buy a Burgage and his Lord claimed him not

[5] Glanvil.
lib. c.

[6] Leg. Burg.
Scot. c. 17.

within a Year and a Day. *Si [6] homo Comitibus vel Baronibus seu cujusunque Servus fuerit venerit in Burgas Et emerit sibi Burgagium, et transferit in eodem Burgagio per unum Annum et unum Diem, sine Calumnia Domini sui vel ejus Ballivi: Semper erit Liber, et Libertate Burgi gaudebit sicut Burgenses, nisi sit servus Domini Regis.* And in or before the sixth year of this King, he granted by charter before cited, to the Burgesses of Wallingford, many large Privileges for the Service they did him against King Stephen, in recovering his Hereditary Right. Theobald, Archbishop of Canterbury, was a Witness to this Charter, who died, A. D. 1166, in the Sixth of Henry the Second; Winchester also and Oxford had Charters in the Reign of Henry the Second, as appears by the [5] Charter of Portsmouth in the Fifth of Richard the First, and that of [6] Andover in the Sixth of King John.

[5] Append.

[6] Ibid. n. 6.

Why

Why these were called Free-Burghs, and why the Tradesmen in them were called Free Burgesſes, the Charters themselves will inform us, in the Charter [7] Dunwich, *Johannis 29 Junii. Sciatis, nos conceſſiſſe, quod Burgum de Dunewiz. Sit Liberum Burgum.* So in the Charter of Bridgwater granted to William Briwer. [8] *Quod Bruge Walteri, 2 Johannis 26 Junii, ſit Liberum, Burgum, & quod ibi ſit Liberum Mercatum,* and that the Burgesſes of the ſame Burg ſhould be Free Burgesſes and quiet of Toll, Paſſage, Pontage, Laſtage and Stallage, and ſhould have all Liberties and Free Cuſtoms, Quittances, which belonged to the Crown, through all his Territories, and all Ports, except the City of London. Likewise in the Charter of Helleſton in Cornwall, 2 *Johan. Ut ſit* [9] *Burgus noſter de Helleſton Liber Burgus, &c.* After the ſame manner King John granted to the Burgesſes of the Town of [1] Yarmouth in *Norff. Quod* *Burgenſes noſtri de Gernemua habeant Burgum de Gernemua ad feodi Firmam in perpetuum; & quod Burgus ille ſit Liber Burgs in perpetuum.* In the Fifth of the ſame King, *Noveritis ut Villa de LENNA ſit* [2] *Liber Burgus in perpetuum.* And in the Charter to Hertlepoole in the Biſhoprick of Durham [3] *Sciatis nos conceſſiſſe & hac præſenti Charta noſtra confirmaffe hominibus de Hertlepoole, quod ſint liberi Burgenſes.* Which Liberty granted to the Burgs and Burgesſes (for all Inhabitants of Burgs were not ſuch) was a Freedom to Buy and Sell freely without diſturbance, a Liberty from paying Toll, Pontage, Paſſage-Money, Laſtage, Stallage, &c. In the Mercates and Fairs in theſe Burgs, and in coming to, and going from them, and for theſe things the Burgs were called free Burgs, and the Burgesſes free Burgesſes, and for nothing elſe, as is moſt evident from the Charters themſelves.

[7] Append.
n. 3.

[8] Append. n. 7.
Why Burghs
and Burgeſſes
were called
Free-Burghs
and Free-Bur-
geſſes.

[9] Append.
n. 8.

[1] Append.
n. 2.

[2] Append.
n. 9.

[3] Append.
n. 10.

What the Free-
dom of Burga
and Burgeſſes
was, and in
what it conſiſted.

D

From

What the Freedom of Burges and Burgeſſes was, by the Burg-Laws of Scotland.

From the Burg and other Laws of Scotland, the ſame thing is evinced; in the Burg-Laws, *Tit. de Vigilis*, C. 86, by which every Houſe was bound to find one to *Watch* and *Knock* at their Doors with a Staff. *Exceptis Viduis, quæ tamen ſi Communicaverint cum Vicinis ſuis, in Emendo & Vendendo, Vigilare debent, & alia onera ſupportare*; except Widows, who notwithstanding, if they *bought* and *ſold* as their Neighbours did, ought to Watch and bear other Burthens. Again, Cap. 108 *Nullus Burgenſis qui manet extra Burgum poteſt aliquid Emere nec Vendere, nec Liber eſſe in aliquo Burgo niſi in illo Burgo in quo eſt Burgenſis*. And in Chap. 139, *Statuit Rex David, quod omnes Burgenſes ſui ſint liberi per totum Regnum ſuum, tam per aquam quam per Terram, ad Emendum & Vendendum, & ad commodum ſuum faciendum abſque perturbatione, ſuper plenam ſuam foru facturam*.

King David made a Law, that all his Burgeſſes ſhould be free to Buy and Sell in his whole Kingdom, as well by Water as by Land, and to make their advantage without diſturbance, upon pain of full forfeiture to ſuch as diſturbed them. In the Statutes of King William, Chap. 35. *Item ſtatuit, quod Mercatores Regni habeant Gildam ſuam Mercatoriam, & ita gaudeant in pace, cum libertate Emendi & Vendendi, ubique infra limites Libertatum Burgorum, ita quod quilibet ſit contentus ſua Libertate, & nullus occupet Libertatem alterius, &c.* Alſo he decreed, that the Merchants of the Kingdom ſhould have their Merchant-Gild, and ſo peaceably with the Liberty of buying and ſelling every where within the Liberties of their Burgs, ſo that every one be content with his Liberty, and none ſhould * Uſurp the Liberty of another, &c. By underſtanding wherein their Liberty conſiſted, we come to know what Men,

* That is, uſe his Trade.

Men, the Burgesſes were, to wit, buyers and ſellers, ordinary and common Tradeſmen, (then called Merchants) ſuch as are commonly found in ordinary inland Burghs, and Mercate Towns, ſuch as frequented Fairs and Markets. So in a plea [4] between the Abbat of Weſtmiſter, and the Tradeſmen that reſorted to his Fair there in 30th of Edward the Firſt, they are often called Mercatores Merchants; like- wiſe in the 34th of the ſame King in the Parleмент holden at [5] Weſtmiſter on the morrow after Trinity Sunday, the Citifens, Burgeſſes, and others of the King's demeſn Subjects, granted unto him the 20th part of their Goods, &c. Mat. Weſtmiſter, ſpeaking of this very Gift, ſays, [6] *Mercatores Viceſimum Denarium conceſſerunt*, and in all old Authors, Engliſh and French, Ordinary Tradeſmen are termed Merchants. In the agreement between Richard the Firſt King of England, and Philip King of France at Meſſina. *Statutum eſt a prædictis Regibus, quod Mercator, de quacunque Mercatione fit Mercator, non poteſt emere in exercitu panem ad Vendendum, ne farinam, niſi aliquis Alienigena illam adduxerit, & de illa panem fecerit, nec Bladum niſi de illo ſimiliter panem fecerit.* Hoved. f. 384. b. n. 30. Here Bakers and Sutlers were accounted Merchants. *Alii Mercatorus, de quacunque Mercatione fuerint, in Decem Denarios tenentur Lucrari unum.* Ibid. Here other ordinary Tradeſmen, that brought goods into the Army to ſell, were termed Merchants. *Aldermannus Gildæ Mercatorum Oxoniæ, Judex Gildæ Oxoniensis. Qui Mercatorum lites dijudicabat.* *Monaſt. Angl. Tom. 2. f. 141.* Here the ordinary Tradeſmen of Oxford, were called Merchants, and that they were ſo denominated, the very words, *Gildæ Mercatoria*, do ſufficiently prove it, as it was granted to moſt ordinary inland Burghs.

[4] Riley's Placita Parle- mentar. f. 292, 293, 294, 295.

[5] Inter Communia de Termino Trinitat. Ann. R. R. Ed. 1. 34. cum Remem. Theſ. in Scaccario. [6] f. 455. lin. 6.

D 2

For

A T R E A T I S E of

For the Gild or Community there did always consist of a select Number of ordinary Tradesmen, yet of the most Discreet and Wealthy of the Burg, and by whom the Bulk of the meaner Sort of Burgeses (or as they are now called, Freemen) were superintended and governed. In the Iter or Circuit of the King's Chamberlain, who had the Superintendency of all Burgs in Scotland, and went from Burg to Burg, and punished all Faults and Crimes committed there, and also the chief Officers, if negligent in their Duties, in the third Chapter of the Iter, intituled, *Modus Tenendi Iter*, hath this Article; *Item, petantur in Scriptis omnia Nomina Burgensium infra habitantium, & extra, videlicet, Nomina fratrum Gildæ per se, & Nomina aliorum per se.* Also, that all the Names of the Burgeses be demanded in Writing, as well of those that dwell within the Burg as without; that is to say, the Names of the Brethren of the Gild by themselves, and the Names of others by themselves; from hence it is clear, the Gilds or Communities of all the Burgs in Scotland were a select Number, and so they were in France, Germany, and all other places where they had Burgs, or Municipal Towns, and in England the same.

[7] Hoved. f.
399. b. n. 2c.
30. 40.

In the [7] Year 1191, which was the Second of Richard the First, John Earl of Moreton, the Archbishop of Roven, and all the Bishops, Earls and Barons, with the Citizens of London, met in St. Paul's Church-yard on the 11th of October, deposed the Chancellor, William Longchamp, Bishop of Ely, the King then in the Holy Land, and made Walter, Archbishop of Roven, Chancellor in his stead, and the same Day the said Earl and Archbishop, and other the King's Justices, granted to the Citizens of London, to have their Community. *Et eodem Die Comes*

Comes Moretonii, & Archiepiscopus Rothomagensis, & alii Regis Justitarii concesserunt Civibus Londonarium habere Communiam suam. And the same Year the Earl of Moreton and the Archbishop, and almost all the Bishops, and Earls, and Barons of the Kingdom, did swear firmly and stedfastly to defend and preserve that Community, so long as it pleased the King. *Et eodum Anno Comes Moretonii, & Archiepiscopus Rothomagensis, & fere omnes Episcopi & Comites et Barones Regni juraverunt Communiam illam firmiter, & inconcusse servaturos; quamdiu Domino Regi placuerit.*

A Grant to the Citizens of London, that they should have a Community.

This Community, which was thus granted to the Citizens, was a select Number, for the better management of the Affairs of the City, for no doubt but the Citizens met promiscuously in St. Paul's Church-yard, and to avoid confusion for the future, it was desired by themselves, and thought requisite by Earl Moreton, the Chancellor, and the Kings Justices, that they should have such an Establishment, the better to assist them in their seditious Practices, and for the more advantage of the Citizens; otherwise, why should the Citizens desire it, and the Nobility be importuned to swear the Defence of it? The Citizens that were of this Constitution swear Fealty to the King, and also to his Brother [8] John Earl of Moreton against all men if he should die without Heirs, and some Obligation there was upon them without doubt to assist in * War, as well as there was upon the Communities in other Nations, if Earl John, and the Bishops and Barons of his Faction, could have had an opportunity to have used them. In Rigord, and other ancient French Historians, we read often of the King of France calling out his Communities to War, and Hoveden aforesaid tells us [9] that A. D. 1197, on the Eve of St. Michael, *Philippus Rex Franciæ Magno congre-*

[8] Ibid. n. 40.

* Edward the Second demanded of the Citizens of London, Aid against his Queen, in the 19th of his Reign; when she and other Rebels landed with Foreign Force, upon Deliberation, Exire Civitate sua se nolle faciebantur ad pugnam, nisi posset (juxta libertatem eis concessam) ipso eodem Die revelti ante solis occasum, Walsing, f. 123. n. 40.

[9] f. 444. b. lin. 28.

* Mant. upon the River Seyn in the Isle of France.

† See du Fresn in the word Hostis, where it evidently appears, that the Communities of Cities and Burghs in France, were to send out their Horse and Foot upon Summons into the Host or Army.

*gato Exercitu Militum, & Communiarum Suarum, Exiens de * Mantua profectus est versus Curceles.* Here it seems as if he had as much Power to call his † Communities out to War, as he had to call his Knights, and this may be the reason why London in the time of Edward the Third, and some other Cities and Burghs in England had Charters of Privilege, and Grants from our Antient Kings, that they should not be called out to War, or forced to march out of the Limits of their own Jurisdiction.

Whether this Community mentioned by Hoveden was the first that was granted to London, or whether they had one before, and it was dissolved by King Henry the Second, for their constant Rebellion against his Mother Maud the Empress and himself, and never restored until this time, I know not. They had not a Mayor until the first of Richard the First, the Year before this, and perhaps might not have a Community until the Second of his Reign. However it was then, it appears, by the City [1] Books, that in the time of Edward the First, and the succeeding Kings, it had *Communia's*, and the first mentioned in these Books consisted of two in every Ward, in all Forty, who were elected by the *Probi homines* of the Ward, which *Probi homines* are explained by these Words, *Discretiores, Sapientiores, & Meliores de Warda*; the most, discreet, knowing, and best Men of the Ward. Such were the Electors, and of such was the Community to consist, sometimes the Number of the *Communia* (which word is more frequently used in their Books, than *Communitas*) was made up of 2, 4, 6, 8. out of every Ward, or out of some Wards more, others fewer, according to the Quantity of the Ward and the Summons, at least Direction, of the Major, or of him and the Sheriffs.

There

[1] Lib. A. B. C. throughout.

There is a notable Writ or Record much to this purpose in the time of King [2] Henry the Sixth, ^{[2] Append. a. 11.} concerning the Election of the Mayor and Aldermen of London; setting forth, that his Progenitors Kings of England, had by their Charters granted to his Citizens of the City aforesaid Liberty to choose a Mayor and Aldermen among themselves, whom they pleased, and to present them to the Lord Treasurer and Barons of the Exchequer, the King not being there, that according to Custom they might be admitted. And that though according to Custom in former times, they were wont to be chosen by the Aldermen, and more discreet Persons of the said City, specially summoned and warned for that purpose, ('tis not said, how many out of every Ward) yet some that had not, nor ought to have, any Interest in such Elections, came, and with their Noise and Clamors disturbed them. He therefore commanded the Mayor and Sheriffs to make Proclamation and prohibit all from coming, that had no right to be there, and that the Elections should be made by the Aldermen and others, more discreet and able Citizens of the said City, specially summoned for that Purpose, according to Custom, letting them know, that if any one was chosen any other way and presented to him, or the Treasurer or Barons of the Exchequer, he should not be admitted, and also directing them to arrest, and commit to Prison, all such as they should find doing contrary to the Proclamation and Inhibition.

In the 29th of Edward the First, John Blund was chosen Mayor [3] *per Commune Consilium Elye Russell tunc Majoris*, and the Aldermen there named; and the Sheriffs, *per assensum Duodecim proborum hominum Singularum Wardarum*, by Assent of Twelve Good Men

[3] Lib. c. fol. 62. b.
How the Mayor and Aldermen of London were chosen.

Men of every Ward. In the 31st of the same King, also in the 32d and 33d, John Lincoln [4] and John Blund the third and fourth time chosen by Twelve *bonos et legales homines de qualibet Warda Summonitos*; Twelve good and lawful Men summoned out of every Ward. In that 31st Year, William de Coumb Martin, and John de Burford were [5] elected Sheriffs by the Mayor and Aldermen, *in præsentia XII de Singulis Wardis Summonitorum ad Eligendum & recipiendum Vicecomites suos*, in the presence of Twelve of every Ward, summoned to choose and receive their Sheriffs.

[4] Ibid. f. 111, 112, 113.

[5] Lib. c. f. 111, b.

[6] Lib. d. f. 3, 2. In the Sixth of Edward the Second, [6] William Wellesford and another were chosen Sheriffs by the Mayor, Aldermen, and Twelve summoned out of every Ward. Wellesford dyes, and Adam Ludkin was chosen, *per Sex & amplius de Singulis Wardis Summonitos*, by Six and more summoned out of every Ward.

In the Seventh of Edward the Second, Nicholas [7] Farendon was chosen Mayor by the Mayor, Aldermen, Sheriffs, & *per Communitatem*, by the Community assembled. The [8] Sheriffs chosen the same Year by the Mayor, Aldermen, and *per Communitatem Summonitam*, &c. by the Community summoned, &c.

[7] Ibid. b.

[8] Ibid.

In the Eighth of Edward the Second, the Mayor and Sheriffs were chosen as before, and [9] *per probiores homines Communitatis de qualibet Warda*, by the better Men of the Community of every Ward.

[9] Ibid. f. 4. 2.

[1] London Liberties, &c. f. 2, & f. 11.

In the 20th of Edward the Third, it was [1] agreed, That from thenceforth there should come the

the Mayor, Aldermen, and also out of every Ward of the City of London, Twelve, Eight, or Six, according as the Ward shall be great or small of the richest and wisest of every Ward; and such Twelve, Eight, or Six, with the Mayor and Aldermen, shall intermeddle, and choose a Mayor and Sheriffs for the year following. In all these Elections, and all others in the Times of Edw. 1, 2. 3, Rich. 2. Hen. 4, 5, and 6, no mention is made of the Common Council, but there can be no doubt made but that the Common Council-Men in every Ward were all summoned and the others that were summoned besides them, were sent to by the Mayor's Direction, and happily, not without the Advice of the Aldermen and Sheriffs; there being not the least Notice of their being chosen by the Ward.

These Elections are recorded by various Expressions, and probably were not made always according to the same exact Form, until the Fifteenth of Edward the Fourth; when the [2] Masters, Wardens, and Liveries of the several Companies were taken in. So that since that time, the Elections of the Mayor and Sheriffs, &c. are made by the Mayor, Aldermen, Common Council, and them, according to the Act of Common Council then made.

[2] *Ibid.* f. 2.

In the year 1650, there was a great Controversy, Whether the Right of electing Lord Mayors, Sheriffs, &c. rested in the Lord Mayor, Aldermen, and the Freemen in general by their Representatives to be chosen in every Ward: Or in the Mayor, Aldermen, Common Council, Masters, Wardens, and Liveries of the several Companies; managed by Judge Hales, and Mr. Serjeant Maynard of Council for the Livery-men, and Major John Wildman, and one Mr. Price, Agents and Speakers for the Freemen, before

The Commu-
nity of the City
of London a
select Number.

before the Lord Mayor, Court of Aldermen, and Common Council. Now in which soever the Right of Election remained, the Arguments on both Sides, and the Records then produced, and insisted upon by them, do manifestly prove, That the Community of the City, or as 'tis called the Commonalty, did consist of a select Number of the more discreet, able, wise, and rich Citizens, and was not the Body of Freemen in General: And that such a select Number in Cities and Burgs was most frequently expressed, meant, and understood, by the Latin Words, *Communa*, *Communia*, or *Communitas*. And is, or ought to be so, at this Day.

[3] See Petition, &c. Jan. 13. 1680. in Print.

See the [3] Title of the Common Council holden in the Chamber of the Guildhall of the City of London, before the Mayor, Aldermen, Sheriffs, and the greater part of the Commoners in Common Council assembled. All these together being a select Number in Common Council assembled, are the Commonalty or Community of the City of London, according to the ancient Import, and true Signification of those Latin Words in all Nations.

Of what Persons the Community of London consists.

[4] Scriptor, Norman. Vesteres, by Du Chesn. f. 106.6.

What the Community of Roven in Normandy was.

In the [4] Establishment or Charter of Roven, and Falaise in Normandy, the Government of the City and Town was by a Mayor, Twenty-four Jurats, (so called, because sworn, &c. when they were chosen and admitted) and an Hundred Pares or Peers. The Twenty-four Jurats were annually chosen, out of the 100 Peers, by the 100 Peers; wherof Twelve were Eschevins, that is, Aldermen, and the other Twelve, *Consultores*, Counsellors, and all these together were called the *Communia*, or Community of that City and Town with the Castle.

Yet

Yet further, to make it clear beyond all exception, what the Community or Commonalty of a Burgh or City was, I will add a Clause in a private Act of Parliament, made for the Establishment of certain Rents, and other Matters between the Burgh of Plymouth, and the Prior and Convent of Plimpton, in the Time of King Edward the Fourth, in these English words, as 'tis to be found upon the Parliament Rol, 4 Edw. IV. M. * 38. 39. *And if the said yerely Rent of xxixl. vi s. vii d. be behind in part, or in all, not payd to the same Priour of Plympton, and Covent, and to their Successours in the same Priorye by xv Dayes next after Eny of the said Fefts of Payment, That then it be Lefull unto the same Priour and Covent and their Successours, and to their Officers and Ministers to Distreyn in the said Bourough, and in Name of Distresse to take all the Goods and Catalles of the said MAIRE and COMMONALTE, and of all other BURGESS of the same Borough, and of all other Persons resident and dwelling in the same Borough, and Precinct of the same, and in every Parcel thereof.* Here we find the Mayor and Commonalty of Plymouth a Select Number, and distinct from all other Burgeffes of that Burgh, and all other Persons resident and dwelling within the same. And what the Mayor and Commonalty of this Burgh were, other than the Mayor, Aldermen, and Common Council, or the Mayor and chief Burgeffes, which were the governing Part of the Town, let any one, that can, tell me.

* At the end of the 38 Membrane and beginning of the 39th.

Mayor and Commonalty distinct from all other Burgeffes, &c.

But if all this should not be thought sufficient to prove, That the COMMONALTIES or COMMUNITIES of Burghs, or other Societies, were a SELECT NUMBER, and different from all other COMMON BURGESSES, such as are not satisfied may peruse the following Statutes.

In

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In * the 2d and 3d of Ed. v. 6. C. 36. *The Lords and Commons did by Authority of that Parliament Give and Grant, &c. To be Rated, Taxed, Levied, and Gathered as well of all and every person, as were, or thereafter should be, his Graces natural Subjects, as of all and every FRATERNITY, GUILD, CORPORATION, MYSTERY, BROTHERHOOD, COMPANY, or COMMUNALTY, Corporate or not Corporate, within the Realm of England, Wales, and other the King's Dominions, &c.* And so in the 7th of the same King, C. 12. The same Words are in the 2d and 3d of Philip and Mary, C. 23. In the 5th of Queen Eliz. C. 27. *And further be it Enacted by the Authority aforesaid, That every Person born under the Queen's Obedience, and every CORPORATION, FRATERNITY, GUILD, MYSTERY, BROTHERHOOD and COMMUNALTY, Corporate or not Corporate, for every Pound of every of the same Person, and every CORPORATION, FRATERNITY, GUILD, MYSTERY, BROTHERHOOD and COMMUNALTY, Corporate or not Corporate, or any other to his or their use, hath in Fee-Simple, Fee-Tail, for Term of Life, Term of Years, by Execution, Wardship, or by Copy of Court-Roll, of and in any HONORS, CASTLES, MANORS, LANDS, TENEMENTS, RENTS, SERVICES, HEREDITAMENTS, ANNUITIES, FEES, CORRODIES, or other Yearly Profits, of the Yearly Value of Twenty Shillings, and so upwards, shall pay to and for the first Payment of the said SUBSIDY Two Shillings and Eight Pence of and for every Pound, &c.*

The same Words are in the 18th of Eliz. C. 23. and in the 27th of Eliz. C. 29. Also 29th of Eliz. C. 8. And 43d of Eliz. C. 18.

All these Wards of FRATERNITY, GUILD, CORPORATION, MYSTERY, BROTHERHOOD, COMPANY and COMMUNALTY, Corporate by Charter, or voluntary

lustrarily Embodied or United (by permission) amongst themselves without one, are Terms almost Identical, and Expressive of one another; and are such as in those Times were frequently used, to denote a select Number of Men joined together in mutual Society and Fellowship, for transacting the Common Business of a greater Number that had Dependence on that Society or Fellowship, and of all the ordinary and general members of the same. And this select Number is in all these Statutes, expressed and notified, by one, or more, or all the Words above-mentioned, in Contradistinction to the common, ordinary, and general Members of such FRATERNITIES, GUILDS, CORPORATIONS, MYSTERIES, BROTHERHOODS, COMPANIES and COMMUNALTIES. For the SUBSIDIES granted by all these Statutes, were to be rated, taxed, levied, and gathered as well of all and every Person that were the King's Subjects, as of all and every FRATERNITY, GUILD, COMMUNALTY, &c. So that FRATERNITIES, GUILDS and COMMUNITIES, must be different things, from single and particular Persons, or all the Kings Subjects in general. And from the common and ordinary Members of such Societies, who could not be there meant, or understood by COMMUNALTY, or COMMONALTIES, as having no HONORS, CASTLES, MANORS, LANDS, TENEMENTS, or HEREDITAMENTS vested in them; nor does One of Twenty of them possess or enjoy any such Things. Therefore seeing COMMONALTIES had such Possessions, they must be SELECT NUMBERS, and Bodies of Men who were by Law capable of taking, receiving, and being possessed of them. And from hence, as well as from what hath been said before, 'tis manifest beyond Contradiction, That the COMMONALTIES, of Cities and Burghs, and other Societies or Fellow-

Fellowship, were the Magistrates and Governors, and all such as with them had the Transaction of all Affairs appertaining to them, and not the common, ordinary, or inferior Burgeſſes, who always were under the Government, and Direction of ſuch COMMUNITIES, or COMMONALTIES.

Rot. Parl. 3.
Ed. 2. n. 235.
Pro Comuni-
tate & Magi-
ſtro Hospitalis
Sancti Johannis
de Huntingdon.

AdPetitionem COMMUNITATIS Villæ de Huntingdon & Simonis de Broughton Magiſtri Hospitalis Sancti Johannis de Huntingdon ſuggerentium Regi Quod licet idem Simon jam per viginti Annos & amplius Magiſter prædicti Hospitalis Extitiſſet & ad Episcopum iſtius loci per COMMUNITATEM prædictam præſentatus, & ad ipſorum Præſentationem in dicto Hospitali prout Prædeceſſores ejusdem præſentati ſemper hætenus extiterunt Inſtitutus fuiſſet; Willielmus de Långelee nihilominus Domino Edwardo Regi nunc, dedit intelligi non eſt Diu quod dictum Hospitalẽ vacabat. Quodq; Præſentatio ejusdem ad Regem pertinuit, per quod idem Willielmus de Långelee verſus COMMUNITATEM, & Magiſtrum prædictos diverſa Brevia de Quare Impedit, ad certos Dies coram Juſticiariis Domini Regis de Banco returnabilia; Nomine Regio Impetravit, ad quos Dies idem Willielmus de Långelee uſq; finem Terminĩ, ut ipſos COMMUNITATEM & Magiſtrum vexaret inde indebitè & gravaret, ſe voluntarie & malicioſe abſentavit, in ipſorum COMMUNITATIS & Magiſtri Damnum, &c. Unde petunt, &c.

Ibm.

Reſponſum eſt per Concilium.

Mandetur Juſticiariis coram quibus Loquela iſta pendet quod procedant indilate, ſo non obſtante quod Willielmus de Långelee qui ſequitur pro Rege ſe per Maliciam ſic abſentat, quia Rex non vult quod per hujusmodi Maliciam, Juſticia deſaratur.

Upon

Upon the Petition of the Community, or Commonalty of the Town of Huntingdon, and Simon de Broughton, Master of the Hospital of St. John of Huntingdon, suggesting to the King, that altho' the said Simon had been Master of the said Hospital above twenty Years, and was presented by the said Commonalty to the Bishop of the Diocese, and instituted to the said Hospital according to their Presentation, as his Predecessors always had been, nevertheless William of Lángelee informed the Lord Edward that now is King, that the said Hospital was not long since void, and that the Presentation to the same belonged to him. By which the same William obtained in the King's Name divers Writs of *Quare Impedit* against the Commonalty, &c. returnable at certain Days before the Justices of Common Pleas, at which Days, the same William of Lángelee until the end of the Term willingly and maliciously absented himself, that he might thereby unduely vex and disturb the said Commonalty and Master, to their Damage, &c. Whence they beg, &c.

For the Commonalty and Master of the Hospital of St. John in Huntingdon.

To which Petition 'twas answered by the Council.

Let the Justices, before whom the Suit is depending, be commanded to proceed without Delay, notwithstanding William de Lángelee, who sues for the King, by Malice absents himself, because the King will not, that Justice should be delayed, by such Malice.

No man I think can affirm otherwise, than that this Commonalty was the Corporation, the Body Politic, or governing Part, of the Burgh or Town of Huntingdon, that presented to the Bishop the Master of the Hospital to be instituted, that was sued by Writ
of

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of *Quare Impedit* for so doing : For no number of ordinary Freemen, as such only, could have a Capacity to do such Acts, and to be sued for doing them ; nor the Herd of Common Freemen or Burgessees, who in themselves never were or can be qualified for any such Purposes, as distinct from, and not Members of the Body Politic or governing Part of the Town.

To this ancient Record I shall subjoin several modern Charters, by which Burghs have been erected, that prove the meaning of the Word COMMUNITY or COMMONALTY, and who were the COMMONALTY or COMMUNITY in Burghs or Corporations.

The first shall be that of Banbury, Pat. 1. Mariæ, parte 10. in the Rolls Chapel. She granted *Inhabitantibus Villæ de Banbury, quod dicta Villa de Banbury de cætero sit & erit LIBER BURGUS CORPORATUS; in re, facta, & nomine, in perpetuum; De Uno Balivo, Duodecim Aldermannis, ac Duodecim Burgensibus, per Nomen Balivi, Aldermannorum & Burgensium Burgi & Parochiæ de Banbury. Ac quod Ballivus, Aldermanni & Burgenses Burgi & Parochiæ prædictorum SINT & ERUNT CORPUS CORPORATUM & POLITICUM, & UNA COMMUNITAS perpetua DE SE, in re, facta, & nomine, in perpetuum, per Nomen Ballivi, Aldermannorum, & Burgensium Burgi prædicti & Parochiæ de Banbury habeantq; Successionem perpetuam, Ipsosq; Ballivum, Aldermannos, & Burgenses, UNUM CORPUS CORPORATUM, & UNAM COMMUNITATEM DE SE realiter & ad plenum erigimus, facimus, ordinamus & creamus, pro Nobis, Hæredibus & Successoribus Nostreis, in perpetuum per Presentes, &c.* Then it follows, That the same *Baylif, Aldermanni, & Capitales Burgenses, facient & erunt ac vocabuntur Commune Consilium*

Conſilium Burgi prædicti, pro omnibus rebus, materiis, cauſis, & negotiis, Burgum prædictum ac Regimen & Gubernationem inde tangentibus & concernentibus. After the erection and conſtitution of the Burgh, She grants there ſhould be one Burgeſs to ſerve in Parliament for this Burgh, and that ONLY the Bailiff, Aldermen and Burgeſſes, ſhould chooſe him. *Volumus ac pro nobis & Succelloribus noſtris per Præſentes concedimus & ordinamus quod ſit & erit in dicto Burgo de Banbury UNUS BURGENSIS Parlamenti noſtri, Hæredum, & Succellorum noſtrorum. Quodq; PRÆDICTI BALLIBUS, ALDERMANNI, & BURGENSES dicti Burgi & Parochiæ de Banbury & Succelloribus ſui ſuper Breui noſtro Succellorum & Hæredum noſtrorum de Electione Burgenſis Parlamenti eis directo, HABEANT & HABEBUNT AUTHORITYATEM, POTESTATEM & FACULTATEM, ELIGENDI & NOMINANDI unum discretum Virum dicti Burgi, fore Burgenſem Parlamenti noſtri, Hæredum & Succellorum noſtrorum, pro eodem Burgo. Eundemq; Burgenſem ſic electum ad onera & cuſtagia dicti Burgi, Parochiæ, & COMMUNITATIS, mittent ad Parliamentum noſtrum, Hæredum & Succellorum noſtrorum ubicunq; ad tunc tentum fuerit iisdem modo & forma prout in aliis Burgis Regni noſtri Angliæ uſitatum & conſuetum fuerit. Quem quidem Burgenſem ſic electum & nominatum volumus intereſſe, & moram facere ad Parlamenta noſtra & Succellorum noſtrorum ad onera & cuſtagia dicti Burgi, & Parochiæ & Communitatis ejuſdem, durante tempore quo huiusmodi Parlamenta teneri contigerunt in eodem modo & forma prout alii Burgenſes Parlamenti pro quibuscunq; aliis Burgis aut alio Burgo quocunq; infra dictum Regnum noſtrum Angliæ faciunt ſeu facere conſueverunt. Et qui quidem Burgenſis in huiusmodi Parlamentiſ noſtris, Hæredum & Succellorum noſtrorum habebit vocem ſuam, tam affirmativam quam negativam, cæteraq; omnia & ſingula faciet ibidem &*

E

exequetur

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exequetur quæ alii Burgenses, aut alius Burgensis Parliamenti nostri, pro quibuscunq; aliis Burgis aut alio Burgo quocunq; facient aut exequantur, aut habere, facere aut exequi valeant, Ratione aut Modo quocunq;

By this Charter 'tis very manifest, that the CORPORATION, and COMMUNITY or COMMONALTY of this Burgh, were the same thing, and that the Bailiff, twelve Aldermen, and twelve Burgeses, who all toget. her were the Common Council of the Burgh, were that CORPORATION and COMMUNITY or COMMONALTY, and had ONLY the POWER and AUTHORITY to choose a Burges or Parliament-man,

In the second and third of Philip and Mary, part. 8, the Patent by which Higham Ferrers in Northamptonshire was made a Burgh, runs thus. *Concedimus Inhabitantibus Villæ de Higham Ferrers, quod dicta Villa sive Burgh de Higham Ferrers de cætero sit & erit LIBER BURGUS CORPORATUS in re, facto, & nomine, in perpetuum; de uno MAJORE, SEPTEM ALDERMANNIS, & TREDECIM BURGENSIBUS Burgi & Parochiæ de Higham Ferrers. At quod MAJOR, ALDERMANNI, & BURGENSES Burgi & Parochiæ prædictorum, SINT et ERUNT CORPUS CORPORATUM & POLITICUM, & UNA COMMUNITAS perpetua DE SE, in re, facto, & nomine, in perpetuum, per NOMEN Majoris, Aldermannorum, & Burgensium Burgi & Parochiæ de Higham Ferrers, &c.* as in Banbury; and then orders that SEVEN of the best, most able, and discreet Inhabitants, should be called Aldermen, and THIRTEEN more of the best and most able should be called CAPITAL Burgeses, and that the said Mayor, Aldermen, and Burgeses, should be the Common Council of the Burgh and Town, to trans-
act

and things belonging to it; and then gives the Mayor, Aldermen and Burgesses ONLY, Power and Authority to choose one Burgess for Parliament, &c. *Quodq; MAJOR, ALDERMANNI, & BURGENSES dicti Burgi, &c. HABEANT & HABEBUNT Potestatem, Autoritatem & Facultatem, eligendi & nominandi unum discretum Hominem Burgi, fore Burgensem Parliamenti, &c. ad ONERA & CUSTAGIA dicti Burgi, Parochiæ, & Communitatis ejusdem, &c.*

In the same year of the same King and Queen, part. 6. *Patentium*, Abington in Oxfordshire was made a Burgh and Corporation, consisting of Mayor, two Bailiffs, and nine Aldermen; which TWELVE were to be called PRINCIPAL BURGESSES, and there named, who had power to elect SIXTEEN or more SECONDARY BURGESSES, to be with them the Common Council of the Town for all things. *Ac quod IDEM MAJOR, BALLIDI, & BURGENSES ejusdem Burgi, &c. erunt UNUM CORPUS CORPORATUM & UNA COMMUNITAS perpetua, &c.* who only, and their Successors had a grant to choose one Burgess for Parliament. *Cancedimus præfatis MAJORI, BALLIDIS, & BURGENSIBUS, & SUCCESSORIBUS suis, quod HABEANT & HABEBUNT (as often as there should be summons to Parliament) Potestatem, Autoritatem & Facultatem ELIGENDI & NOMINANDI unum discretum et probum Virum dicti Burgi fore BURGENSEM PARLIAMENTI, &c.* as in all things in the Patents or Charters of BANBURY and HIGHAM FERRERS. And there needs nothing further to be observed upon these two places than hath been upon Banbury.

All the time of Queen Mary, the returns for these new erected Burghs, are either lost, or so much perished and rotten as they are not legible. Yet the re-

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turns about this time of some other Towns and Places not far distant are answerable to this Constitution; as of Oxford in the first of Queen Mary, and the first and second of Philip and Mary.

Hæc Indentura facta apud Civitatem Oxon, &c. inter Johanem Williams Militem, &c. ex una parte, &c. et Richardum Atkinson, Majorem Civitat. prædictæ. et TOTAM COMMUNITATEM Civitatis prædictæ. ex altera parte, Testatur quod prædicti. MAJOR et COMMUNITAS Virtute, &c. nuanimi Assensu et Consensu suis ELIGERUNT Thomam Walkinson et Edwardum Clinton, duos idoneos Cives, &c. Data apud Oxon. 27 die Martii, Anno Regni Reginae primo.

And also of Walingford, in the first of Queen Mary, *Hæc Indentura facta apud Wallingford*—

—inter Robertum Cockson MAJOREM et COMMUNITATEM Villatæ et Burgi Wallingford ex—Vitecomitem Oxon. et Berks. ex altera parte, Testatur, Quod nos dicta COMMUNITAS Villatæ et Burgi prædictorum—Edmundum Affcheyld et Robertum Cockson MAJOREM Villæ et Burgi antedictorum Burgenfes, ad—
In quorum Testimonium Sigillum nostrum Commune, nomine omnium Interessentium præsentibus est appositum.

The Seals of Communities.

[5] De Re Diplomati, f. 148.
F. 149. B. C.

When they began to be in use.

These Communities had their Seals, by which they ratified their Grants and Charters, and made authentic all their matters of moment almost as ancient as their Being. The learned [5] Mabillon, after he hath mentioned the Seals of the Communities of some Towns, and Burghs, saith, *Idem censendum est de aliis Communiarum Sigillis, quæ a Seculo duodecimo Originem habuerunt.* We are to think the same, of the

the Seals of other Communities which began to be in use about the Twelfth Century: he might have added, and some time before.

From treating of the Constitution of Burghs, and shewing what they, and the Burgeses anciently were, and of what value and estimation in the Nation, I shall proceed to shew, what the Parliament-Burghs were, and when; and for what cause at first they sent representatives to Parliament.

In the reigns of King John, and Henry the Third, we do not find any Citizens or Burgeses in Great Councils or Parliaments, unless they were in that of the 49th of Henry the Third; at which time, the Citizens of York and Lincoln, and other Burghs of England were written unto, to send two Citizens, and two Burgeses according to the form of the writ directed to the Bishop of Durham. See my Answer to Mr. Petyt, f. 137. A. f. 140. B.

The main cause of their being first summoned to Parliament, was, to give their consent to taxes propounded to, or imposed upon them; before that time in the Reigns of those two Kings, they were talliated or paid Tallage according to the Imposition upon them, or Acceptance of what they offered by the King's Officers, or Justices, as also in the time of Edward the First, until after the 34th year of his Reign, as is manifestly proved in my Animadversions upon a Book, called, *Jani facies Nova*, Fol. 178, 179, 180, and further appears in Ryley's *Placita Parliamentaria*, in the 33d of this King, Fol. 259, 264, 265, 275, 276. Although several years before, Citizens and Burgeses were summoned to Parliament, and there gave their consent to the raising and paying

The main cause of the Cities and Burgeses being first summoned to Parliament.

of taxes. In the 32d Year of his Reign he caused
 a * Tallage, without common consent, to be assessed
 by Commissioners in all his Cities, Burghs and De-
 measns, in every County of England, either by
 heads, (*Capitatum*) or in common, and gave particu-
 lar direction that the Tallage of Norwich should be
 Assessed at four Hundred Pounds.

* See the Com-
 missions, Pat.
 22 Ed. I. in
 Cedula.

Citizens and
 Burgeses first
 summoned to
 Parliament.

The first time we find any Citizens or Burgeses
 summoned to Parliament, was, in the 23d Year of
 Edward the First, according to the Tenor of this
 Writ.

[6] Claus. 23.
 Ed. 1. m. 4.
 Dorf.
 De Parlamento
 Tenendo.

*Rex [6] Vicecomiti Northampton, Salutem, quia cum
 Comitibus, Baronibus, & ceteris Proceribus Regni nostri
 super remediis contra pericula quæ eidem Regno his diebus
 imminere providendis, Colloquium habere Volumus &
 Tractatum per quod eis mandavimus, quod sint ad Nos
 Die Dominica proxima post festum Sancti Martini in
 Hyeme proxime futurum apud Westmonasterium ad Trac-
 tandum, Ordinandum, & faciendum qualiter sit hujusmodi
 periculis obviandum, tibi Præcipimus firmiter injungentes,
 quod de Comitatu prædicto DUOS MILITES, & de
 QUALIBET CIVITATE ejusdem COMMITATUS DUOS
 CIVES, & de QUOLIBET BURGO, DUOS BURGENSES
 de discretioribus, & ad laborandum potentioribus sine Dila-
 tione eligi, & eos ad Nos, ad prædictos Diem & Locum
 venire facias. Ita quod dicti Milites plenam & sufficien-
 tem potestatem pro se & COMMUNITATE Comitatus
 prædicti & dicti CIVES & BURGENSES pro se &
 COMMUNITATE Civitatum et Burgorum prædictorum
 DIVISUM ab ipsis tunc ibidem habeant. Ad FACIEN-
 DUM tunc quod de COMMUNI CONSILIO ORDINABI-
 TUR in præmissis. Ita quod pro defectu hujusmodi potes-
 tatis negotium prædictum infectum non remaneat, quodque
 modo; Et habeas ibi nomina Militum, Civium et Burgen-
 sum*

sum et hoc Breve. Teste Rege apud Cantuariam tertio Die Octobris.

The King to the Sheriff of Northampton-Shire, greeting. Because we desire to have a Conference and Treaty with the Earls, Barons, and other great men of our Kingdom, to provide Remedies against the Dangers the same Kingdom is in at this time, therefore we have commanded them, they be with us at Westminster on the next Sunday after the Feast of St. Martin in Winter next coming, to treat, ordain and do, so as those dangers may be prevented. We command and firmly enjoin thee, that without delay thou dost cause to be Chosen, and to come to us, at the time and place aforesaid, two Knights of the County aforesaid, and of every City, two Citizens, and of every Burgh two Burgeesses, of the most discreet and fit for business. So as the said Knights may have sufficient power for themselves, and the Community of the County aforesaid, and the said Citizens and Burgeesses, may have the same power, SEPARATELY from them, for themselves, and the COMMUNITIES of Cities and Burghs, then to do in the Premisses what SHALL be ORDAINED by Common, or the Common Council. So that for defect of such Power the business aforesaid may not remain undone; and have there the Names of the Knights, Citizens, and Burgeesses, and this Writ. Witness the King at Canterbury the third of October.

This Parliament did not meet on the Sunday after St. Martin, but was prorogued before meeting, to the Sunday next before St. Andrew the Apostle, which is the 30th of November. *Test [7] Rege apud Qdmer 2 Die Novembris.* And all the treating, ordaining and doing in this Parliament was only to

The Parliament prorogued before it met.

[7] Claus. 23.
Ed. 1. n. 2.
Dorf. De Parlamento Pro-
rogando.

E 4

grant,

grant, and consent to raise such supplies as the King demanded, as will afterward appear.

The not finding any Citizens or Burgeses, SUMMONED by former writs directed to Sheriffs, nor particular Writs directed to the Mayors, Bailiffs, or Chief Officers of Cities and Burghs, before this, (except that in the 49th of Henry the Third) might be a sufficient proof, that these were the first Summons of Citizens or Burgeses to Parliament. But to clear this point, beyond all doubt and cavil, we must look back to the 18th of this King, and see what the Stile of Parliaments was, between that time, and this.

[8] Bundle of
summons to
Parliament, 18
Ed. 1.

In this [8] Year, there is a Bundle of Writs directed to the Sheriffs of several, or most, of the Counties of England, and they are the Ancientest extant, or perhaps that ever were, (except as above) by which two or three Knights were directed to be chosen for each County; but no Citizens or Burgeses. And accordingly [9] Norfolk, Suffolk, Cambridge and Huntingdon-Shires, and Cumberland returned each of them THREE Knights with Manucaptors for their appearance, and all other Counties but two each, &c.

[9] Return.
Parl. 18. E. 1.
Three Knights
returned for
some Counties,
18. Ed. 1. and
two for others.

[1] In officio
Pipæ apud
Westmonast.
The Account
Roll hereafter
mentioned.

This Parliament gave the King a Fifteenth part of all their moveable goods, as appears by the [1] account upon the Great Roll in the 23d year of this King, in the two last Rolls of that Great Roll. The title of account, wherein also we have the stile of that Parliament, which runs thus.

Comptus Quinta-Decimæ Regi Anno Decimo Octavo
per ARCHIEPISCOPOS, EPISCOPOS, ABBATES, PRI-
ORES

ORES, COMITES, BARONES, & OMNES ALIOS DE REGNO, de omnibus bonis suis mobilibus concessæ, et per Diversos Collectores, in Diversis Comitatus, Eodem Anno Decimo Octavo Assessæ, Collectæ; & Levatæ.

The account of the Fifteenth, granted to the King in his Eighteenth Year, by the Archbishops, Bishops, Abbots, Priors, Earls, Barons, and all others of the Kingdom, assessed, collected, and levied by divers Collectors in several Counties, in the same Eighteenth Year. This is the very same Stile which was used in the Reigns of King John and Henry the Third, before the Commons or Community of Counties were represented by Knights, chosen by them. And 'tis here further to be noted, that the two or three Knights, chosen for the Community of the County did represent them, and * according to the form of the Writ, consulted and consented to a Fifteenth for them, which are here called the *Omnes alii de Regno*, and were military tenants in Capite of the ordinary rank, but of the same order with the Knights.

* Ad consulendum & consentiendum pro se & Communitate illa his quæ Comites, Barones, & Proceres prædicti tunc duxerint concordanda.

In the Chequer [2] Roll of the 19th of Edward the First. There is the Form of a Writ, to appoint Taxors and Collectors of this Fifteenth, in these Words: *Edwardus Dei Gratia, &c. MILITIBUS LIBERIS HOMINIBUS, & toti COMMUNITATI COMMITATUM, &c. Salutem. Cum ARCHIEPISCOPI, EPISCOPUS, ABBATES, PRIORES, COMITES, BARONES & OMNES ALII DE REGNO NOSTRO nunc sicut alias nobis & progenitoribus nostris liberaliter CONCESSERUNT*

[2] In the Custody of the King's Remembrancer. Inter Communia de Terminis, St. Mich. Rot. or n. 5.

QUIN-

FAM-DECIMAM de omnibus bonis suis Mobilibus, &c.

Teste meipso apud Kings-Clipton 22. Die Septembris Anno Regni nostri decimo octavo. Edward by the Grace of

* See my Glossary what these Freemen were.

God, &c. To the Knights, * Freemen, and the whole Community of Counties, (none named,) &c.

Greeting, Whereas the Archbishops, Bishops, Abbats, Priors, Earls, Barons, and all others of our Kingdom, now as at other times, to us and our Progenitors have freely granted a Fifteenth part of all their moveable Goods, &c. Witness ourself at Kings-Clipton the 22d of September in the Eighteenth Year of our Reign. Here we find the same persons only granted this Fifteenth, which were wont to Grant the same manner of Taxes in the time of his Progenitors, which illustrates what was said before.

Citizens and Burgeses compliance with the King's demands, called a Grant.

The Cities and Burghs, or at least the City of London, this Year also had a Fifteenth taxed, and levied upon them, which notwithstanding it was demanded by the King, without their being summoned to Parliament, by Citizens and Burgeses their representatives, yet their compliance with the King's demands, was called a Grant.

[3] In the same Account-Roll of the same great Roll, as above.

Georgius de Rokeshy, Walterus de Rokeshy Executor Testamenti ejusdem Georgii pro eo, [3] Henricus de Waleys, Robertus de Basings, Willielmus de Hereford, & idem Robertus de Basings Executor Testamenti ejusdem Willielmi pro eo, una cum Magistro Willielmo de Wimondham Clerico, ASSESSORES et COLLECTORES QUINTÆ-DECIMÆ in CIVITATE LONDON, et infra totum prædictum ejusdem Civitatis Regi CONCESSÆ. Anno Regni sui decimo octavo reddunt compotum de 2860l. 13s. 8d. de eadem Quinta Decima sicut continetur in Rotulo de particulis,

particulis, quem videm Assessores et Collectores liberavit in Thesaurario, &c. That is,

George de Rokeshy, Walter de Rokeshy Executor of the Testament of the same George for him, Henry de Waleys, Robert de Bafings, William de Hereford, and the same Robert de Bafings Executor of the Testament of the same William for him; together with Mr. William de Wimondham Clerk, Assessors, and Collectors of the Fifteenth * granted to the King in the City of London, and within the whole Precinct of the same City in the Eighteenth Year of his Reign, do give account of * 286ol. 13s. 8d. of the same Fifteenth as it is contained in a Roll of Particulars delivered into the Treasury, &c.

* By the City upon the King's demand, and sending to them.

* This was the Sum of the whole Fifteenth in London, 18 Ed. 1. A. D. 1290.

Many compounded or (as the Phrase was then) fined for this Fifteenth, as for Example. [4] Abbas de Sancto Edmundo reddit Computum de 666l. 13s. 4d.

[4] Ibid. Many admitted to a Composition for their Taxes.

De fine pro HABENDA ACQUIETANCIA Quinta-Decima omnium Bonorum Suorum Temporalium et Bonorum Conventus sui et Villanorum suorum, et hominum totius Ville Sancti Edmundi, SALVA REGIS QUINTA-DECIMA BONORUM OMNIUM ALIORUM LIBERE TENENTIIUM IPSIUS ABBATES et CONVENTUS PRÆDICTORUM, sicut continetur in Rotulo de FINIBUS DIVERSORUM pro Quinta-Decima in Thesaurario liberavit per quatuor Taleas & Quietus est. That is.

The Abbat of St. * Edmund makes his Account of 666l. 13s. 4d. for a Fine (or composition) to have his Discharge of the Fifteenth of all his Temporal Goods, and the goods of his Convent, and his Villans, and the Men of the whole Town of St. Edmund, SAYING THE KING'S FIFTEENTH OF THE GOODS OF ALL OTHER FREE TENANTS OF THE ABBAT,

* St. Edmund-bury.

A TREATISE of

ABBAT, and Convent aforesaid, as 'tis contained in the Fine-Roll of divers persons for this Fifteenth; he paid this Sum in Money by four Tallies, and is discharged.

It will not be Foreign to this matter to take notice of the Collectors accounts in an instance or two, nor unpleasant to the Reader.

Cambr.
Ibid.

*Compotus Henrici de Lascey, & Willielmi de Mortuo
Mari Collectorum Quintæ-decimæ Regi concessæ,
Anno Decimo Octavo in Comitatu Cantabrigiæ.*

*Idem reddunt compotum de 3482l. 16s. 2qr. De
Quinta-decima bonorum mobilium Episcoporum, Comitum,
Baronum, & omnium aliorum in comitatu prædicto, sicut
continetur in rotulo de particulis quam liberaverunt
in Thesaurario. Exceptis bonis mobilibus prioris &
fratrum sancti Johannis Jerusalem & Villanorum
suorum, &c.*

The account of Henry de Lascey, and William de Mortemer, collectors of the fifteenth in the county of Cambridge, granted to the King in the 18th year of his reign.

The sum of 4
fifteenth in
Cambridgeshire,
18 Ed. 1. A. D.
1290.

The same make their account of 3482l. 16s. 2d. farthing, of the fifteenth of the moveable goods of the bishops, earls, barons, and all others in the said county, as it is contained in a roll of particulars which they delivered into the Treasury. Except the moveable goods of the PRIOR and BRETHREN of SAINT JOHN of JERUSALEM, and many others who had fined, or compounded for them, as above, &c.

Compotus

Compotus Johannis de Breton & Wilhelmi de Kerdefston collectorum Quintæ-decimæ regi concessa Anno decimo octavo in comitatu Norff.

Norff.
Ibid. in Dorset.

The account of John Breton and William de Kerdefston, collectors of the fifteenth in the county of Norff, granted to the King in the eighteenth year of his reign,

Idem reddunt compotum de 9782l. 14s. 6d. de Quinta-decima bonorum mobilium, &c. The same collectors give in their account of 9782l. 14s. 4d. of the moveable goods, &c. as in Cambridgeshire. Exceptis, the goods of such as had compounded and were discharged, &c.

The Sum of a
Fifteenth in
Norff. 18 Ed.
1. A. D. 1290.

In the twenty second year of this King there issued this summons or writ,

Rex [5] Vicecomiti Northumbr. Salutem, quia cum Comitibus, Baronibus, & cæteris magnatibus de regno nostro super quibusdam negotiis arduis, nos & idem regnum nostrum contingentibus, in crastina sancti martini proximo futuro apud Westmonasterium COLLOQUIUM habere volumus et TRACTATUM, tibi præcipimus, quod eligi facias duos milites, de discretioribus et ad laborandum potentioribus de comitatu prædicto et eos ad nos usque Westmonasterium venire facias: Ita quod sint ibi in Crastina prædicto cum plena potestate pro se et tota communitate comitatus prædicti, ad consulendum et consentiendum pro se et Communitate illa, his quæ comites, Barones et procures prædicti concorditer ordinaverint in præmissis. Et ita quod pro defectu potestatis hujusmodi idem negotium infectum non remaneat, et habeas ibi hoc breve. Teste rege apud Westmonasterium 8 die Octobris,

[5] Cl. 22 E. 1.
m. 6. Dorset.
De Militibus
elegendis, &
mittendis ad
consilium.

Consimiles literæ diriguntur singulis vicecomitibus Angliæ, T. ut supra,

The

In the 22d of
Edward the 1st.
First, no Citi-
zens or Bur-
geses summon-
ed to Parliament.

The King to the sheriff of Northumberland, greeting. Because we desire to confer and treat with the earls, barons, and the other great men of our Kingdom, upon certain difficult business, that concerns us, and the same our kingdom, at Westminster, on the morrow of St. Martin, or 12th of November, we command thee, that thou dost cause to be chosen out of the county aforesaid, and to come to us to Westminster, two discreet Knights, and most fit for business, so as they be there on the morrow aforesaid, with full power for themselves and the whole community of the county aforesaid, to consult and consent for themselves, and that whole community, to those things, the earls, barons and great or noble men aforesaid, shall have unanimously ordained in the premises. And so that for the defect of such power, the same business may not remain undone; have there this writ. Witness the King at Westminster the eighth day of October.

The like letters or writs were directed to every sheriff in England. Witness, as above.

[6] Ibidem,

On the [6] next day following (that is) on the ninth of October. The King directed other writs (reciting in them much of this above) to every sheriff to cause to be elected two knights more, to be added to the former, to come to him at the same time and place. *Ad audiendum, et faciendum, quod eis tunc ibidem plenius injungemus.* To hear and do what he should there more fully enjoyn them. *Teste rege apud Westmonasterium nono die Octobris.* Here was no citizens or burgesses summoned by these writs, and none but knights, in number four, who with the earls, barons, and

The same day the Parliament met, they grant the King a tenth,

and great men, on the very day of their meeting, gave the King a tenth of all their goods, and the writs or commissions, whereby taxors and collectors of the same tenth were assigned in every county, were dated the same day, as it was evident from the records following.

Decima [7] *Bonorum temporalium, regi concessa in Anglia in crastino Sancti Martini, anno regni regis Ed. 1. vicesimo secundo finiente, incipiente vicesimo tertio.* [7] Rot. 23. E, 1. n. 72. in that Roll, penes reman, Regis.

A tenth of temporal goods, granted to the King in England, on the morrow of St. Martin, ending the twenty second year of King Edward the first, beginning the twenty-third, he begun his reign November the sixteenth, 1272.

Taxatores et collectores ejusdem decime [8] *affigantur in singulis comitatibus Angliæ in hac forma.* [8] Ibid.

The taxors and collectors of the same tenth are assigned in every county in this form,

Rex [9] *militibus, libere tenentibus et toti communitati comitatus cumbriæ, salutem, cum COMITES, BARONES, MILITES, et OMNES ALII DE REGNO NOSTRO in subsidium guerra nobis nunc sicut alias progeantibus nostris regibus Angliæ liberaliter facerunt DECIMAM de omnibus bonis suis mobilibus, exceptis * quæ in quinta decima ultimo nobis concessa in eodem Regno excipiebantur nobis curialiter concesserint et grataiter. Nos ut decima illa ad minus dampnum et gravamen populi, &c. Assignavimus dilectos et fideles nostros Thomam de Newton* [9] Ibid. & Pat. 22 Ed. 1, m. 2. in Cedula. * i. e. their armor, plate of ordinary use, Jewels and wearing apparel.

A T R E A T I S E of

at Robertum de Whiterigge vel alterum ipsorum una cum quodam Clerico ad dictam decimam assidendam, taxandam, levandam, et Colligendam, et ad Scaccarium nostrum deferendam, et Solvendam: Unam medietatem citra festum Purificationis proxime futura, et alteram citra Festum Pentecostes, &c. Teste Rege apud Westminster 12 Die Novembr. Anno Regni sui 22.

The King to the Knights, Free-Tenants, and the whole Community of the county of Cumberland, greeting. Whereas the Earls, Barons, Knights, and all others of our kingdom, have liberally done to us now toward the war, as heretofore to our progenitors Kings of England. And have courteously and willingly or gratefully granted a tenth of all their moveable goods, except those things which were excepted, in the last fifteenth which was granted unto us. We, that the tenth may be paid with the least damage and grievance to the people, have assigned our faithful and well-beloved Thomas de Newton, and Robert de Whiterigge or one of them, together with a certain Clerc, to assess, tax, levy and collect the said tenth, and to bring it to, and pay it at our Exchequer, one half before the Feast of the Purification, and the other half before the Feast of Pentecost. Witness the King at Westminster, the 12th of November in the twenty-second of this reign,

In this very twenty-second year of King Edward the First, Philip King of France having then surprized and seized Gascony, after the Feast of Pentecost a [1] parliament was assembled, to advise how to regain that country, in which it was agreed to recover it by force and arms. Toward which

war

[1] Mat. West.
Anno Dom.
1294. fol. 421.
B. 20.

war the Clergy had granted a moiety, or half part of the value of their benefices, and goods for that year, as may appear by the King's writ or commission to the Abbat of Feversham in Kent, by which he was appointed Collector for the same in the province of Canterbury.

Assignatio Collector. Medietatis, Regi a Clero concessa.

Edwardus Dei gratia, &c. Dilecto sibi in Christo [2] Abbati de Feversham, salutem. Cum praelati et totus Clerus de Regno nostro † medietatem beneficiorum et bonorum suorum nobis in subsidium nostrum de Anno praesenti liberaliter concesserunt, et gratanter. Ita quod prima tertia pars ejusdem medietatis in festo omnium sanctorum proximo futuro, secunda in quindena paschae, tertia in quindena nativitat. Sancti Johannis Baptiste proximo futur. nobis persolvantur, &c. Nos de vestra fidelitate et diligentia confidentes, assignavimus vos, ad dictam medietatem, &c. In diocesi Cantuariensi Collegendam, &c. Tiste meipso apud Westmonasterium 30 Septemb. Anno Regni nostri 22.

[2] Inter Recordis de termino Trinitat. 22 Ed. 1. Rot. vel. n. 68.

De subsidio Regi a Clero concessio.

† This Grant was made on the Eve of St. Matthew, Septemb. 21. Coadunatis Clero & Populo. Mat. Westminster. f. 422. n. 30. 40.

Here we have a moiety given this year of their benefices, and goods by the Clergy, and a tenth by the Earls, Barons and Knights, for all others of the kingdom; that is, all free-tenants, such as held in military service, and others in soccage, WHICH THEN WERE VERY FEW. Let us now see, how and what the Cities, Burghs, and Kings tenants of his demesnes gave, or paid by themselves, not being then reckoned, INTER OMNES ALIOS DE REGNO, which granted a tenth part only.

These then were neither summoned, or came to a Common Council, or Parliament, but were required

F

Citizens and
Burgesses,
when not sum-
moned to Par-
liament.
How they
were taxed.

quired and induced by the Kings Commissioners, or Taxors to pay a certain sum charged upon or demanded of them. Which at this time was a sixth part of all their moveable goods, towards the war. The City of London was first sent to, and that made an example to all other Cities, Burghs and Towns of the King's demesns, and their compliance with the King's demands passed as, and under the name of a grant.

[3] Inter Re-
corda de Anno
23 Ed. 1. n.
vel Rot. 73. pe-
nes remem.
Regis.
De sexta par-
te Regi concef-
sa in London.

Rex dilectis et fidelibus suis [3] custodi, vicecomitibus Aldermanis, et toti communitati civitatis sue London, salutem. Cum vos in forma qua nuper nobis quintam-decimam concesseratis, SEXTAM PARTEM bonorum et mobilium vestrorum in subsidium guerræ nostræ nobis concesseritis liberaliter et libenter; nos ut illa SEXTA PARS ad minus dampnum et gravamen vestri et singulorum Civitatis ejusdem levetur et Colligatur providere volentes, assignavimus, Johannem de Banquelle, Thomam de Romeyn, Hamonem Box, Willielmum de Betoniam, et Gilbertum de Marchia una cum dilecto Clerico nostro Magistro Willielmo de Wymundham, &c. And after the example of London the King sent his Commissioners to tax or demand of his other demesne Cities, and Towns, a sixth part through England.

[4]. Ib. Eodem
Anno & nu-
mero.
De diversis
assignatis ad
petendum con-
similem sextam
in Dominicis
Villis Regiis in
diversis comita-
tibus,

Rex dilecto et fidei suo Roberto de Ratford, salutem, [4] cum cives et probi homines nostri London, sextam partem bonorum suorum mobilium nobis in subsidium guerræ nostræ gratanter concesserint, ut aliis qui sunt de nostris VILLIS DOMINICIS exemplum præbeant ad consimile subsidium faciendum, assignavimus vos ad PETENDAM hujusmodi SEXTAM PARTEM in SINGULIS DOMINICIS CIVITATIBUS et ALIIS VILLIS NOSTRIS in comitatibus Kancie, Suffex, Surry, et Suthampton secundum taxationem decimæ jam nobis in Regno nostro concessæ.

*cessæ, et ideo vobis mandamus, quod assumptis vobiscum vicecomitibus locorum, ad SINGULAS DOMINICAS CIVITATES, et ALIAS VILLAS NOSTRAS personaliter accedatis, et HOMINES EARUNDARUM CIVITATUM, et VILLARUM ad CONCEDENDAM et PRÆSTANDAM nobis PRÆDICTAM SEXTAM PARTEM juxta taxationem prædictam, diligenter ex PARTE NOSTRA REQUIRATIS, et EFFICACITER INDUCATIS, modis quibus videbitis expedire. Et quod inde feceritis, nobis aut Thesaurario et Baronibus nostris de Scaccario sine dilatione constare faciatis. In cujus Rei testimonium has litteras nostras fecimus patentes. Teste * venerabili Patre, &c. 21 die Novembr. Anno 23. That is:*

* William Bishop of Bath and Wells then Lord Treasurer.

The King to his well-beloved and faithful Robert de Ratford, greeting. Whereas our citifens and good men of London, have willingly granted to us, toward maintaining our war a sixth part of their moveable goods, that they might shew an example to others of our demeasfn towns, to make the like aid. We have assigned you to demand a like sixth part in every of our demeasfn Cities, and other Towns in the Counties of Kent, Suffex, Surry and Southampton, according to the taxation of the Tenth now granted to us in our kingdom; and therefore we command you, that taking with you the Sheriffs of places, ye personally go to every of our demeasfn Cities, and other Towns, and diligently on our behalf require, and effectually induce the men of the same Cities and Towns, by such means as you think expedient, to give and grant to us the said sixth part according to the taxation aforesaid, and what you shall do herein, you shall signify to us, or our Treasurer and Barons of the Exchequer, without delay. In witness of which thing we have made these our letters patents. Witness

London an example to all Cities and Burghs to grant a sixth part of their goods, &c.

T R E A T I S E of
the venerable Father, &c. The 21st of November,
the 23d year.

[5] Ibid. Eo-
dem Anno.
Num. five Rot.
73.

*Per [5] Consimiles literas assignantur infra scripti ad
PETENDAM hujusmodi SEXTAM PARTEM in SIN-
GULIS DOMINICIS CIVITATIBUS, et VILLIS REGIS
in Comitatibus subscriptis, viz.*

*Willielmus de Ormesby in Comitatibus Norff. Suff.
Cantabr. et Huntingdon.*

*Magister Petrus de Lek in Comitatibus Northampton,
Leycester, Warwick, Roteland, Lincoln.*

*Johannes de Litegremes in Comitatibus Ebor. North-
umberland, Cumbria, Westmerland, Lancastria.*

*Magister Johannes Lovel in Comitatibus Wilts, So-
merset, Dorset, Devon. et Cornubiæ.*

*Johannes de Bosco in Comitatibus Nottingham, Derby,
Salop, Stafford, Wigorn.*

*Radulfus de Broughton in Comitatibus Oxon, Berks,
Bedf. Bucks. Gloucester, Hereford, T. et supra.*

No Citizens
and Burgeſſes
ſummoned to
Parliament be-
fore the 23d of
Edward the firſt.

a. 1295.

By all theſe Records 'tis moſt clear, there were
no Citizens, Burgeſſes or Tenants of the King's
demeaſns, ſummoned to great Councils or Parlia-
ments until the 23d of Edward the Firſt, and alſo
how they were taxed before that time.

The firſt writ of their ſummons, and the proro-
gation of that Parliament from the Sunday next
after St. Martin, (which was the firſt day appointed
for

for meeting,) to the Sunday next before St. Andrew the Apostle, we have noted before. And I shall further observe, that the Writ directs, they should have a power to act SEPARATELY from the Knights of the Counties, and do what by Common Councils should be ordained. *Et dicti Cives et Burghenses plenam et sufficientem potestatem pro se, et Communitate Civitatum, et Burgorum, DIVISIM ab ipsis (i. e. militibus) tunc ibidem habeant, ad faciendum tunc quod de Communi concilio ordinabitur in præmissis,* and accordingly they made a different grant, the Earls, Barons and Knights, who then sat, treated, and consulted altogether, about granting taxes, gave an eleventh part of all their moveable goods; and the good men of his demean Cities and Burghs granted a seventh part of all their moveable goods.

And according to the addition made in the writ of summons, when the Citizens and Burgesses came first to Parliament, there was also an alteration made answerable to it, in the writ or commission for appointing Taxors and Collectors, for the levying and collecting of this eleventh and seventh part, in the several Counties, which is not to be found in these writs or commissions before this time. The words of the writ or commission are these.

[6] *Rex militibus, libere tenentibus, et toti Communitati Comitatus Roteland, salutem, cum Comites, Barones, Milites, et alii de Regno nostro in subsidium guerræ nostræ nunc sicut alias, nobis et progenitoribus nostris Regibus Angliæ liberaliter fecerunt UNDECIMAM de omnibus bonis suis mobilibus. Et † Cives, & Burghenses, et ALII PROBI HOMINES de DOMINICIS NOSTRIS CIVITATIBUS et BURGIS ejusdem Regis SEPTIMAM de omnibus bonis suis mobilibus, exceptis his quæ in decima ultimo nobis concessa excipiebantur, nobis*

[6] Pat. 24. Ed. 1. p. 1. m. 22. De undecima & septima Regi concess. Levand. & Colligend.

† These words were not in former commissions, for appointing Taxors and Collectors.

curialiter concefferint et gratanter, nos ut undecima, et Septima prædictæ, ad minus dampnum et gravamen, &c. Assignavimus dilectos et fideles nostros Rob. de Flixborpe et Johannem de Wakerley, &c. Ad dictas undecimam et Septimam in comitatu prædicto assidendas, taxandas, levandas, et Colligendas, &c. Teste Rege apud Westmonasterium † quarto die Decembris.

† This Parliament met by prorogation, about the 30th of November.

Citizens and Burgeses, different persons from the ALII DE REGNO, &c.

They gave a 3d part more than the Earls, &c.

According to the tenor of the writ of summons, we find by this commission, that the Citizens and Burgeses were in this Parliament, and that they were different persons from the ALII DE REGNO, mentioned after the Earls, Barons and Knights; for they gave the eleventh part, and these the seventh, somewhat more than a third beyond what they gave; and it became a settled rule afterward for the Citizens, Burgeses and Tenants in ancient demeasns to give a third part more, or thereabouts of their personal estates, than the Earls, Barons and Knights did grant.

The summons to this Parliament directed to the Archbishop of Canterbury is very observable, and may furnish us with the reason why the King summoned the Citizens and Burgeses to it.

[7] Cl. 23. Ed. 1. m. 3. Dors. De Parliamento tenendo apud Westmonasterium.

Rex venerabili in Christo [7] Patri R. eadem Gratia Cantuariensi Archiepiscopo, totius Angliæ Primati, salutem, sicut lex justissima provida circumspectione sacrorum principum stabilita hortatur et statuit, ut quod omnes tangit, ab omnibus approbetur, sic et innuit evidenter ut Communibus periculis per remedia provisæ communiter obviatur. Sane satis nostris, et jam est ut credimus per universa mundi climata divulgatum, qualiter Rex Franciæ de terra nostra vasconiæ nos fraudulenter et cautelese decepit eam nobis nequiter detinendo. Nunc vero prædictis

dictis fraude et nequitia non contentus, ad expugnationem Regni noſtri Claſſe maxima, et bellatorum copioſa multitudine congregatis, cum quibus regnum noſtrum, et Regni ejuſdem incolas hoſtiliter jam invaſit, linguam Anglicanam ſi conceptæ iniquitatis propoſito deteſtabili poteſtas correſpondeat (quod Deus avertat) omnino de terra delere proponit. Quia igitur præviſa jacula minus lædunt, et res veſtra maxime ſicut cæterorum Regni ejuſdem concivium agitur in hac parte. Vobis mandamus in fide et dilectione quibus nobis tenemini, firmiter injungentes quod die dominica proxime poſt feſtum ſancti martini in hyeme proxime futurum apud Weſtminſter perſonaliter interſitis. Præmunientes Priorem et Capitulum Eccleſiæ veſtræ, Archidiaconum totumque Clerum veſtræ Diocæſeos. Facientes quod iidem Prior et Archidiaconus in propriis perſonis ſuis, et dictum Capitulum per unum, idemque Clerus per duos procuratores idoneos, plenam et ſufficientem poteſtatem ab ipſiſ Capitulo et Clero habentes, una vobiſcum interſint modis omnibus. Tunc ibidem ad tractandum, ordinandum et faciendum, nobiſcum, et cum cæteris Prælatiſ et proceribus et aliis incolis Regni noſtri, qualiter huiusmodi periculis et excogitatiſ maliitiis obviandum. Teſte Rege apud Wengeham Triceſimo die Septembris.

The King to the venerable Father in Chriſt, R. by the ſame Grace, Archbiſhop of Canterbury, &c. Greeting, As the moſt juſt law eſtabliſhed by Princes doth appoint. That which concerns all ſhould be approved by all. So it evidently ſhews, that dangers, common to all, ſhould be obviated by remedies provided by all. You underſtand ſufficiently, and as we believe 'tis now divulged through the whole world, how the King of France fraudulently ſurprized Gaſcony, and yet detains it from us. But now not content with that, he haſh provided a great

Why the Citizens and Burgeſſes firſt ſummoned to Parliament.

navy

‡ About the 8th of September this year, the French landed at Dover, burnt a great part of the town, and killed an old Monk. Walsingham. fol. 64. n. 10.

§ These are now called Clercs of the Convocation.

The first summons of the common Clergy to Parliament.

navy and army, with which he hath ‡ invaded our kingdom, and the inhabitants thereof, and intends to destroy the English nation and language, if his power were answerable to his detestable purpose, (which God avert.) Because therefore, foreseen attempts do less hurt us; and not only you chiefly, but the rest of the inhabitants of the kingdom are also concerned in this matter, we command, firmly enjoining you in the faith and love by which you are bound to us, that on the Sunday next after the Feast of St. Martin, next coming, you be at Westminster, and that you warn the Prior and Chapter of your Church, the Arch-Deacon and whole Clergy of your Diocese, and cause the Prior and Arch-Deacon in their own persons, and the Chapter by one, and the Clergy by two, fit § Procurators or Proxies, having sufficient power from the said Chapter and Clergy to be present with you, then and there to treat, ordain, and appoint with us, and the rest of the Prelates, great men, and other inhabitants of the kingdom, how to prevent these dangers, and designed mischiefs. Witness the King at Wengeham, the 30th of September.

This is the first summons I find directed to the Archbishop, by which he was ordered to cause the body of the Clergy of his Diocese, and the Chapter to come to Parliament with him, by their Procurators or Representatives, and the same reason given in this writ, that brought them thither, brought also the Citizens and Burgesses, as may appear by the writ before recited, directed to every Sheriff of England for the first choice of them, and dated the third day of October, next following after the date of this to the Archbishop.

The

The treating, ordaining, and appointing remedies to prevent the imminent dangers to the kingdom, was only to raise money, to prosecute the war, and defend the nation against the King of France; and towards that, the Clergy gave a tenth; the Earls, Barons and Knights, gave an eleventh; and the Demeasns Cities, Burghs and King's Tenants of his Demeasns, gave a seventh part of all their moveable goods. There were no laws made, or other matters dispatched in this Parliament, as was hinted before.

Having thus proved, the time when, and the cause why, Citizens, Burgeffes, and the Tenants of the King's Demeasns, were at first summoned to Parliament, we shall proceed to discover what Cities and Burghs sent their Representatives, or Citizens and Burgeffes, upon such summons. The answer to this is very short, that they were only the Dominici Civitates, and Burgi Regis, the King's Demeasns Cities and Burghs, such as had Charters from the King, and paid a fee-farm rent in lieu of the customs, and other advantages and royalties that belonged to the Crown, and were originally taken and gathered by the King's Collectors and officers, whether Bayliffs, Port-Reves, Senescals, or Stewards, or by what other names they were called. But afterward collected and received by officers, chosen by the Cities and Burghs, according to licence, granted by the King's Charter, to the use of such Cities and Burghs, or perhaps, sometimes by permission only.

What Cities and Burghs sent Citizens and Burgeffes to Parliament.

Customs in Cities and Burghs, originally gathered by the King's Bayliffs, &c.

This doth abundantly appear by the account given of great Yarmouth, in the [8] Appendix, where [8] N. 1. A. after the description of that and Gorleston, taken out of Domesday Book, it is said thus. *Et sciendum,*

[9] Append.
N. 2.

dum, quod progenitores Domini Regis tenuerunt prædictum Burgum in manibus suis propriis, percipiendo omnia proficua exeuntia de portu prædicto, usque ad tempus Regis Johannis, qui [9] concessit villam prædictam Burgensibus villæ prædictæ ad feodi firmam, reddendo sibi et hæredibus suis quinquaginta et quinque libras per annum, ad quod solvendum, nihil aliud habent nisi consuetudinem et alia proficua proveniente de portu prædicto, nec capiant aliquas consuetudines de rebus venditis vel emptis in mercato super terram, nullo tempore Anni. That is, And it is to be understood, that the progenitors of the Lord the King held the foresaid Burgh (that is, Yarmouth) in their own hands, until the time of King John, who granted it in fee-farm to the Burgesses, paying to him and his heirs fifty-five pounds by the year, for the payment whereof, they had nothing but the customs, and other profits of the port, neither might they at any time of the year take any customs of things bought and sold in the mercate upon the land.

[1] Append.
N. 1. 2.
[2] Ibid.

[3] Append.
N. 1. B.

Yarmouth holden of the King in Fee-farm.
Why called a Free Burgh

Not long after King John had granted his Charter, there happened a controversy, between Gorleston and South Yarmouth in Luthinglond, both on the other side of the river, and Great Yarmouth, [1] about certain customs and privileges in the 12th of Henry the Third, and [2] again, in the 34th of Edward the First, which was determined in the Exchequer by the Lord Treasurer, the Chancellor of England, the Justices of both Benches, and others of the King's Counsel. By which [3] record it is evident, That Great Yarmouth was holden of the King in fee-farm, was stiled, *villa Regis*, the King's town, and *liber Burgus*, a free Burgh, and enjoyed such liberties as belonged to a free Burgh, only by, and in respect of the Charter.

It

It was, and is the general opinion of † lawyers, That such towns as sent Burgeſſes to Parliament, though but very ſeldom, and paid tenths when they were granted in Parliament, were Burghs, notwithstanding they had not, nor perhaps now have any Charter, fair, market, franchise, or other liberties which ſhould conſtitute, and make them Burghs. But this is a mighty miſtake: for there were anciently, and are yet many towns that ſent their representatives to Parliament, which were not Burghs, but only towns of ancient demeſns, and theſe (in the granting of taxes eſpecially) conſulted, and gave their conſent with the Citizens and Burgeſſes, who in all taxes upon goods and perſonal eſtates did uſually give and pay about one third or fourth more than the other towns which were neither Cities or Burghs, or ancient demeſns, before the tenths and fifteenthſ were conſtantly and regularly ſettled.

† Commons Journal. 1 Mail 1628.

A great miſtake, That towns that paid tenths, and ſent Representatives to Parliament, were Burghs.

Towns in Ancient demeſns that were no Burghs ſent Representatives.

This will be fully evinced by the following records. Edward the Firſt intending to Knight his ſon, [4] ſummoned the Archbiſhops, Biſhops, Abbats, Priors, Earls, Barons, and other great men to be before him and his Council, on the morrow after Holy Trinity, to treat of, and grant an aid which was due upon that occaſion. He alſo ſent to all the Sheriffs of England, to [5] cauſe to come before him and his Council on the ſame day, two Knights of every county, and of every City two Citizens, and of every Burgh two or one Burgeſſes, as the Burgh was greater or leſſer, to treat, ordain, and conſent, &c.

[4] Cl. 14. Ed. 1. M. 15. Dors. in Cedula. Append. n. 13.

[5] Append. n. 12. 13.

All which orders of men being [6] aſſembled before the King's Council, and it having been ſhewed unto them by the ſame Council, on behalf of the King,

[6] Append. n. 13.

King, That there was an aid due to him in the fore-
said case, (that is, for making his son Knight :)
And also, That there were manifold expences, and
many other burthens incumbent on the King in re-
fraining the rebellion and malice of Robert de Brus,
his traytor, and his adherents in Scotland, who had
presumed to make war against him.

[7] Ibid.

* Note, The
Citizens, Bur-
gessees, and Te-
nants in anti-
ent demeanns,
were no part
of the com-
munity of the
kingdom, for
they gave a
20th part for,
and by them-
selves, and
treated apart.

† The reason
of this clause
at this time
was, for that
the aid for
making the
Prince Knight,
was to have
been laid upon
land; i. e. so
much upon
every Knight's
fee; and here
it was taxed
upon goods
whereas it was
due upon
Knights fees.

[8] Ibid.

The same [7] Prelates, Earls and Barons, and
other great men, and also the Knights of Shires,
treating deliberately upon this matter, and consider-
ing there was an aid due as aforesaid, and that
many burthens were incumbent upon the King by
reason of the war aforesaid, at length unanimously
granted to the King for themselves and * whole com-
munity of the kingdom, a thirtieth part of all their
temporal moveable goods, which they should be
possessed of at the Feast of St. Michael next coming,
for a competent aid toward the Knighthood of his
son, and also for an aid toward his expences which
he was to be at in the war aforesaid. But so, as
this grant should not † prejudice themselves, nor
their successors, and heirs in future times, nor be
made an example in the like case. And that
in taxing the goods aforesaid, all things were to be
excepted, as in the taxation of the fifteenth granted
to the King by the Community of the Kingdom, in
the eighteenth year of his reign, for the banishment
of the Jews.

Also [8] the citizens and burgessees of cities and
burghs, and others of the King's demeanns assem-
bling together, and treating about the premises, con-
sidering the burthens incumbent upon the King, as
was before mentioned, unanimously granted unto
him

him for the causes abovesaid, a twentieth part of their moveable goods, and to have them as aforesaid.

Who, and what the coETERI, the residue, or others of the King's demeasns were, is plainly discovered in another record about the same matter.

It is to be [9] remembered, That on the morrow [9] *Ibid.* of Holy Trinity last past, the Prelates, and the other great men of the kingdom, for themselves and the whole community of the kingdom, granted to the Lord the King for themselves and the whole community of the same kingdom, a thirtieth part of all their temporal goods, without cities, burghs, and the King's demeasns. And the citizens, burgeses, and TENANTS of the foresaid DEMEASNS, granted a twentieth part of their goods, as well toward the Knighthood of Edward the King's son, as toward the defence of Scotland against Robert Brus, and his complices, the King's enemies, and the form of the foresaid grant is more fully noted in the memorials of Trinity-Term last past.

By this Record it is very plain, That the Prelates, Earls, Barons, and Knights of Shires consulted together and treated about this 30th part which they granted for themselves and the whole community of the kingdom; as also that the Citizens, Burgeses, and Tenants of the King's Demeasns treated and consulted by themselves apart, and granted a 20th part of their goods, which was a third part more than the Lords and Knights gave. And that Tenants of the King's Demeasns were Members of Parliament.

The Prelates, Earls, Barons, and Knights treated together. The Citizens, Burgeses, and Tenants, in ancient Demeasns consulted together, and apart from them.

The

[1] Pat. 1. E. 2.
P. 1. M. 7.

The King's commission, and assignment of commissioners to levy, and collect the 20th, and 15th granted in the first of Edward the second, proves the same thing. *Rex [1] Militibus, Liberis Hominibus & toti Communitati comitatus Middlesex tam infra libertates quam extra, salutem. Cum Comites, Barones, Milites, Liberi Homines, ac COMMUNITATES comitatus regni nostri, vicepsnam omnium bonorum suorum Mobilium; Civesque & Burgenses, ac COMMUNITATES omnium civitatem & Burgorum ejusdem regni, necnon TENENTES de ANTIQUIS DOMINICIS coronæ nostræ quintamdecimam bonorum suorum mobilium curialiter concefferint & gratanter, nos, ut Vicepsima, &c.* That is, the King to the Knights, Freemen, and whole Community of the County of Middlesex, as well within Liberties as without, greeting. Whereas the Earls, Barons, Knights and Freemen, and the Communities of Counties of our Kingdom courtly, or courteously and gratefully granted us a 20th part of their moveable goods; and the citizens, Burgeses and Communities of Cities and Burghs of the same Kingdom, and also the Tenants of the Ancient Demeasns of our Crown a 15th part of their moveable goods, We, that the said 20th part, &c.

* Claus. 3. E. 2.
M. 22. Dorf.

And it is yet more clear from the following Record in the Parliament holden at Westminster, in the month of Easter, in the second of the same King Edw. II. The Commons then delivered certain articles of grievances to him for redress, whereof the sixth article begins thus, *Que les * Chevalers, gentz de Citéz de Burghs, & des AUTRES VILLES qui sont venuz à son PARLEMENT PER SON COMAUNDEMENT par eux & par le people é ont petitions à livrer por forz & grievances, &c.* That is, the Knights, Men of Cities and Burghs, and of OTHER TOWNS, that were come to his Parliament, by his command, &c. Here

are

are Knights, Citizens, Burgesſes, and men of OTHER TOWNS, who came to the Parliament by the King's command, what were theſe Towns that were neither Cities, nor Burghs, if not the King's ancient Demeaſns? Or, what were the Men that came from theſe Towns, if not Tenants in ancient Demeaſns? They could be no other Towns, nor other Men, than the Tenants, that were their Representatives, and with the Knights, Citifens and Burgesſes, delivered the Articles of Grievances to the King.

Other Towns beſides Cities and Burghs ſent Representatives to Parliament.

Some time afterward, the Tenants in ancient Demeaſns were left out of the preambles of the commiſſions, and not mentioned as grantors of taxes, with the Citifens and Burgesſes in the 12th of Edward the Second, in ſome commiſſions they were retained, in others omitted. *Edwardus Dei Gratia Rex Angliæ, &c.* [2] *Fidelibus ſuis Ballivis & COMMUNITATIBUS Civitatum & Burgorum in Comitatu Lincoln, Salutem. Cum Cives & Burgenſis Civitatum & Burgorum Comitatum Regni noſtri in Parlamento noſtro apud Eborum a Die Paſchæ proximo præterito in unum menſem convocato pro expeditione Guerra noſtræ Scotiæ Duodecimam omnium Bonorum ſuerum Mobilium nobis Conceſſerunt, &c. Nos, ut, &c. Teſte meipſo, apud Eborum 30 Die Maii Anno Regni noſtri 12. Per ipſum Regem.*

Tenants in ancient Demeaſns ſometime omitted in Commiſſions.

[2] Inter Records de Term. Sancti. Trin. Anno 12. Ed. 2. penes Remem. Regis in Scaccario. Commiſſio ad Levand. & Colligend. 12am.

The Tenants of the King's ancient Demeaſns were not mentioned as Grantors in this Commiſſion.

Yet in this following Commiſſion about levying the ſame Tax, they are mentioned as Grantors of it, with the Citifens and Burgesſes.

Inter

A TREATISE of

*Inter Commissiones & Literas Patentes de Terminis
Sanctę Trinitatis Anno 12 R. Rs. Edwardi
Secundi penes Remem. Regis in Scaccario.*

Oxon. Berks,
Bed. Bucks
& Levations
12 & 18 super
vidend. &
festinand.

* Note the
Earls and Ba-
rons and
Knights of the
Shire, granted
this 18th, and
therefore the
Earls and Ba-
rons were part
of the Com-
munity of the
County, which
was the Te-
nants in Capite.

At what time
the Tenants in
ancient De-
measns are no
longer menti-
oned as Gran-
tors of Taxes
in the Taxors
Commissions
the ancient
manner of Le-
vying Taxes.

*Rex omnibus ad quos presentes literę pervenerint, Sa-
ludem. Cum per Literas nostras Patentes Assignaveri-
mus quosdam Dilectos & Fideles nostros ad Decimam
Octavam nobis per * COMMUNITATES Comitatum
Regni nostri in Parlamento nostro apud Ebor. a Die
Pasche proxime praterito in unum mensem Convocato. Et
Duodecimam nobis per CIVES, BURGENSES, & TE-
NANTES de DOMINIIS NOSTRIS in eodem Parlamento
concessas, &c.*

But afterwards they were frequently omitted, and
after the Eighth of Edward the Third, when the
establishment of Taxes upon personal estates became
certain, and the way and manner of levying them
was changed, the Tenants in ancient Demeasns are
no longer mentioned in the Commissions of the Tax-
ors and Collectors, as Grantors of those Taxes.

Before this time there were two chief Taxors ap-
pointed by the King in every County, who appoint-
ed twelve in every hundred, to raise every Man's
Personal Estate according to the true value, and then
to levy a thirtieth, or an eighteenth part of it, as it
was granted by the EARLS, BARONS and KNIGHTS
of Shire in PARLIAMENT. They also appointed
such and as many as they thought fit in every City,
Burgh and Town of the King's Demeasns, to inquire
into every Man's Personal Estate in those places,
and find out the true value of it, and then to levy a
twentieth, or twelfth part of it, as it had been
granted by the Citifens, Burgeffes and Tenants of
the

the King's ancient Demeasns in Parliament. And that they might tax and value every man's Estate truly and really, the TAXORS were sworn not to do otherwise for love, hatred, favor, gift or promise. See the [3] Form of taxing and levying the 30th and 20th part granted to King Edward the First, made by him and his council in the 34th year of his reign, as it was delivered to the chief Taxors of every County with the oath. See the like [4] Form in the 12th of Edward the Second, for taxing and levying an 18th granted by the Earls, Barons, &c. and a 12th by the Citizens, Burgeses, and Tenants of ancient Demeasns.

[3] Inter Record. de Term. Trinit. 34 Ed. 1. penes Remem. Regis.

[4] Inter Record. de Term. Trinit. 12 Ed. 2. penes Remem. Regis.

In the Eighth of Edward the Third, upon [5] complaint of the Barons, Knights, Citizens and Burgeses to the King in Parliament, that the Taxors and Collectors, for bribes, spared some men, and by colour of their office extorted from others more than they ought to pay, and applied it to their own use; with request to him, that they might pay toward the 15th and 10th then granted, as they had done to the last 10th and 15th. There were sent Commissioners into every County in England, to agree and compound with the inhabitants of every Town that was to pay a fifteenth; and also with the communities of Cities and Burghs, and men of the Towns of ancient Demeasns, which paid a tenth; *ad TRACTANDUM & CONCORDANDUM cum COMMUNITATIBUS CIVITATUM & BURGORUM, ac HOMINIBUS Villarum, & DOMINICORUM antiquorum, qui hujusmodi DECIMAM & QUINTAM-DECIMAM solvere teneantur*, for the sums they were to pay; which sum was fixed upon the particular Towns, Cities and Burghs for the future, and collected, and rated most commonly by the

[5] Pat. 8. E. 3. p. 2. M. 16. The occasion and manner of the first settling of Fifteenths and Tenths.

G

inhabitants

inhabitants (I suppose) amongst themselves; the chief Collectors and Taxors in every County were reserved to be taxed by the Treasurer and Barons of the Exchequer as before.

[6] With the King's Remembrancer in the Exchequer.

* Every Town there that paid a Tenth, and was neither City nor Burgh, was ancient Demeasns.

I could never find the roll, or any book of this establishment of this eighth year of King Edward the Third. But in a [6] book of fifteenths and tenths in the third year of King Henry the Fifth, where the particular sums of every ordinary Town, and of every City, Burgh, and * Town of ancient Demeasns in all Counties in England are noted, there is often reference to the particulars of such a Roll in that eighth year. After which time, when tenths and fifteenths were reduced to a certainty, the Parliament for the most part GRANTED Taxes of those denominations, half a tenth, and fifteenth, a whole tenth, and fifteenth, two tenths, and two fifteenths, &c. according to the exigency of the King's affairs.

{ What the King's Demeasns Cities and Burghs were.

There hath been often mention made of the King's Demeasns Cities and Burghs, as well as of his Tenants of ancient Demeasns, in this Treatise. And it will much tend to the understanding of it, and of ancient Records and History where they are mentioned, to know what they were. And if they be duly considered, they are not much unlike one another, having their names from the same thing, that is, from holding of the King by Fee-farm.

The Original of Fee-Farms.

For those Town and Lands which are found in Domesday-Books under the Title of TERRA REGIS, were then and afterwards kept in his hands, and managed by *Præpositi*, or Bayliffs, (as were most of the Towns and Lands of Bishops, Abbats, Priors,

Priors, Earls, Barons, and other great Men) and called his, and their Demeasns; which in proceſs of time were let to Farm to Tenants for a conſiderable part of their true value, an half part, third or fourth at leaſt, and this Rent was called a Fee-Farm-Rent, the Tenants eſteeming what theſe Eſtates were above the Rent, or in reſpect of the Tenure, to be to them, *ut, or tanquam de feodo*, as if they were holden in Fee, paying their Rent, and Tallages.

Of the ſame condition were Cities and Burghs; at firſt they were kept in the King's hands, and the cuſtoms and profits, that aroſe from trade, gathered by his Bayliſſs and Officers, which afterward were let out in Fee-Farm, to the communities of Cities and Burghs, which commonly were made ſuch, by the ſame Charters by which the Cuſtoms in kind, or the true value of them, as then collected, were changed into Fee-Farm Rents, and the King's Officers, or others in lieu of them, were made Officers as well to the Cities and Burghs, as to himſelf. This is clearly apparent from the Narrative of Great Yarmouth, in the Appendix N^o 1. A. N^o 1. B. and from the Charter N^o 2, as alſo from the ſecond Charter of Donewic, N^o 3. B. and from others. And may further be confirmed by the following Record.

Amerciamenta [7] *Hominum & Burgenſium Firmariorum Diverſarum Villatarum ad Feodi Firmam de Rege tenentium qui non venerunt ad Scaccarium ad faciendum Proffrum de firmis ſuis in Craſtino Sancti Michaelis Anno Regni Regis Edwardi Tertii poſt Conqueſtum VI incipiente, V finiente.*

[7] *Adventus Vicecom. Anno 5 Ed. 3. finiente, incipiente 6. in Craſtino Sancti Mich. apud Remem. Theſaura. in Scaccario.*

A TREATISE of

Northum- berland.	{	<i>De hominibus Villæ de Bam-</i>	}	<i>V Merc.</i>
		<i>burgh quia non venerunt ad Scaccarium ad faciendum Prof- frum suum ad Diem prædictum</i>		
Bedeford.		<i>De Hominibus Villæ Bedeford pro</i>		
		<i>eodem</i>		<i>V Merc.</i>
Essex.		<i>De Hominibus Villæ de Colchestre</i>		
		<i>pro eodem</i>		<i>V Merc.</i>
Dorset.		<i>De Hominibus Villæ de Brudport</i>		
		<i>pro eodem</i>		<i>V. Mert.</i>

*Et Memorandum quod bujusmodi Firmarii, & alii
Vicecomites & Ballivi consimili modo amerciati sunt
pro non Adventu suo ad Proffrum suum Tempore Regis
Edwardi filii Regis Henrici, sicut continetur in Memo-
randis Anni XVIII ejusdem inter Communia de Terminis
Sancti Michaelis.*

The Amerciaments of the Men and Burgesles,
Farmers of divers Towns, holden of the King in
Fee-Farm, who came not to the Exchequer or
Scaccar, to make the proffer, (i. e. the * beginning
of their Accounts) on the morrow of St. Michael
in the Year of the Reign of King Edward the
Third, after the Conquest; beginning the Sixth,
ending the Fifth.

* At this time
they began
their Accounts
for that half
Year, and paid
a small sum in
part of their
Rent, which
was called
their proffer.

Northum- berland.	{	<i>Of the Men of the Town of Bamburgh, because they came not to the Scaccar to make their proffer at the Day afore- said.</i>	}	<i>Five Marks.</i>
Bedford.	{	<i>Of the Men of the Town of Bedford for the same</i>	}	<i>Five Marks.</i>

Essex.

Essex.	{ Of the Men of the Town of Colchester for the same. }	Five Marks.
Dorset.	{ Of the Men of the Town of Brudport for the same. }	Five Marks.

It cannot be denied, that many Towns which are now Parliament Burghs were the ancient Demeasns of the Crown, and that the Lands belonging to them were holden in Fee-Farm. But then it must be considered, that the Towns and Lands so holden, were holden by particular men, by grant from the Crown, and as Tenants to the Manor, where the Lands lay, or to some other Manor, at some distance from them, and therefore for this reason, they could not be called, *Civitates & Burgi Domini Regis*, The King's Demeasn Cities and Burghs; but must be so called, by reason of the Fee-Farm they paid as Cities and Burghs, as Communities, Corporations and Bodies Politique, constituted by the King's Charters, with liberty of free trading, from which Trade, or from Tolls and Customs thereby happening, the Fee-Farms of such Communities arose, and from hence the Burghesses of such places, as Burghesses, were called the King's Farmers, or Tenants in Fee-Farm.

Cities and Burghs why called Demeasn Cities and Burghs.

Having seen what the *Civitates & Burgi Domini Regis*, the King's Demeasn Cities and Burghs were, we shall next shew what, and how many of the present Parliament Burghs were ancient Demeasns. And in doing this, I will follow the direction of an ancient [8] Writ, to the Treasurer and Barons of the Exchequer, in 48th of Edward the Third, when the Men of the Town of Linton

[8] Old Register, fol. 181. B. f. 182. A.

in the County of Roteland, complained to the King, that notwithstanding it was neither Burgh nor ancient Demeasn of the Crown, yet it was taxed a tenth, whereas they should have been taxed only a fifteenth, in this case the King commands the Treasurer and Barons of the Exchequer, that if it did appear by his Book called Domesday, or by other Rolls and Memorials of the Exchequer, or any other competent way, that it was neither Burgh nor ancient Demeasn, they should accept a fifteenth and discharge them of the tenth, &c. *Vobis mandamus quod si per Librum nostrum qui vocatur DOMESDAY, vel per alios ROTULOS & MEMORANDA Scaccarii sive alio modo competenti dictam Villam Burgum vel de ANTIQUO DOMINICO Coronæ nostræ non esse invenire contigerit, &c.*

From this Book therefore of Domesday, and other Records it will manifestly appear, which of the present Burghs were ancient Demeasns.

How many of the present Burghs were only Towns in ancient Demeasn.

In Berkshire; New-Windsor, and Reading; in Buckinghamshire; Wickham, Wendover, Aylebury, then no Burghs. In Devonshire, Barnstable, Plimpton, Tavistoke, Ashburton, Tiverton, the four last then no Burghs. Dorsetshire, Melcomb then no Burgh. Essex, Maldon. Gloucestershire, Tewkesbury, Cirencester, the last then no Burgh. Herefordshire, Lemster then no Burgh. Huntingdonshire, Huntingdon 3 Henri Quinti. Lincolnshire, Grantham, Grimesby, then the last no Burgh. Norfolk, City of Norwich, Great Yarmoth, Thetford. Oxfordshire, Woodstooke, but then no Burgh. Somersetshire, Ilchester, Milborne, Hampshire, Andover, Staffordshire, Tamworth. Suffolk, Ipswich. Surry, Guildford. Wiltshire,

Wiltshire, Wilton, Westbury, Caln, Chepeham, now Chippenham, Cricklade, Bedwin, then the last Westbury and Chepeham no Burghs. Yorkshire, Knaresburg, Malton, Threske, Alvertune, then no Burghs. All these Towns are to be found under the Title of *Terra Regis*; the King's land, in Domeſday Books, in the ſeveral Counties, except Wicomb, which is to be found in Buckinghamſhire, under the Title of *Terra Episcopi Wintonienſis*, and was allotted to the Monks of Wincheſter for their Diet, both before and after the Conqueſt.

*Hoc * Manerium (i. e. Wicomb.) fuit & eſt ad vicium Monacorum Wintonienſium.* But how I cannot ſay, this Town afterwards came into the King's hands, and was the Demeſn of the Crown. For in the [9] Fifth of his Reign King John granted it in Fee-Farm, at the Rent of 20l. per annum, and the ſervice of one Knights Fee, to Alan Baſſet, and King Henry the Third, in the 33d year of his Reign, when he taxed his Demeſns at the requeſt of Philip Baſſet his Son, directed his Writ to the Sheriff of Buckinghamſhire to impoſe a reaſonable tallage upon the Tenants of Philip in Wicomb, as having been once the Demeſn of his progenitors as appears by the Writ itſelf. [1] *Quia Rex Talliari facit Dominica ſua Mandatum eſt Vicecomiti Bucks, quod habere faciat Philippo Baſſet Rationabile Tallagium de Hominibus ſuis de eo Tenentibus in Manerio de Wy-cumb, quod aliquando fuit Dominicum Prædeceſſorum Regis, Regum Angliæ. Teſte Rege apud Weſtminſter Viceſimo Octavo Die Decemb.*

* Domeſd. f. 143. B. Col. 22.

[9] Cart. 5. Johan. 21

[1] Clauſ. 33. Henry the 3d m. 14.

Besides the Towns above-mentioned to be found in Domeſday-Book, in the ſeveral Counties under the Title of *Terra Regis*, the King's Lands, that were holden of him, and were ancient Demeſns,

or

The King's
Towns, and
Ancient De-
measns, from
Domesday-
Book.

or his Manors; Guildford in Surry at the time of making the Conquerors survey, was the King's Land, but then no Burgh, Domesday-Book, f. 39. a. Col. 1. Gatton or Gaton in the same County, was the Bishop of Bayeux his land, *ibid.* f. 31. b. Col. 1. Then no Burgh; this Town escheated or reverted to the Crown after his death, or perhaps before by forfeiture, when he was imprisoned as a Traytor by his half-brother King William, A. D. 1085. Dorchester in Dorsetshire, described by itself with its Customs, *ibid.* f. 75. a. Col. 1, and then under the Title of *Terra Regis*, as a very great Manor only, *ibid.* Col. 2. Pool in the same County is not to be found in Domesday-Book; 'tis an Hamlet of Canford or Chenford, which was the King's Land, and holden of him by Edward of Salisbury. *Edwardus de Sarisburia tenet de Rege Cheneford*, &c. f. 80. b. Col. 1. Corf in the same County was the King's Land, then no Burgh, and holden of him by Robert Fitz-Gerold. *Robertus filius Geroldi tenet de Rege Corf*, &c. *ibid.* The Mayor of this place is chosen and sworn in the Court-Leet. Marlave or Marlow in Buckinghamshire, is to be found under the Title of *Terra Reginae Matildis*, and so Crown-Land, but no Burgh, described only as a great Manor, *ibid.* f. 152. b. Col. 1. Newton in Lancashire, holden of the King, and was ancient Demeasns, then no Burgh, *ibid.* f. 259. b. Col. 2. f. 260. a. Col. 1.

The King's
Towns, or an-
cient Demeasns
from other
Records.

There were also other Towns, that appear to have been the King's Towns or Demeasns by other Records, Old Sarum in Wiltshire, or the Old Castle of Salisbury, was the King's Demeasns. See Charter the 11th of Hen. 3. for the foundation of the Church and City of New Sarum. Excester in Devonshire.

Devonshire was the King's City and Demeasns, Cart. 13 Edw. 1. *per inspeximus*, and here fol. 46. A. The Manor of Christ-Church in Hampshire, with the Inheritance, was conveyed to King Edw. 1. by Avelin de Fortibus, Countess of Devonshire, Pat. 21 Edw. 1. M. 3. The sworn Burgesles of the Baron Jury of the Court in this Town, choose two Persons, and present them to the Steward, of which he taketh one, and swears him Mayor; they also choose Parliament-Men. Hedon in Yorkshire was passed to the same King by way of Exchange, Claus. 4. Edw. 1. M. 7. in Cedula. Leftwithiel in Cornwall was the King's Town, Rot. Parl. 8. Edw. 2. N. 41. Dorchester and Lime in Dorsetshire, were the King's Demeasn Burghs, Rot. Parl. 11. Hen. 4. N. 53. 55. Newcastle under Line in Staffordshire, and Higham Ferrers in Northamptonshire, were both the King's Manors, Rot. Parl. 38 H. 6. N. 38. The City of Winchester in Hampshire, held of the King in Fee-Farm, paying 120 Marks per Annum, and some part of it was holden of him in Capite, Rot. Parl. 11 Hen. 4. N. 57. Stockbridge in Hampshire, the Parliament-Men are returned by the Steward of the Leet or Court-Baron. The Burgesles of Agmondesham in Bucks are chosen by the Homage in the Court-Baron: And note, that wherever the Mayor, Bayliffs and Burgesles are chosen by the Jury in a Court-Baron, or at the Leet, they were Towns in ancient Demeasns; or where the returns of Parliament-Members have been, or are now made by the Lord or Lady of the Manor, as at * Aylesbury in Bucks, or their Steward, - The Constable of the place, an ordinary Bayliff, or such inferior Officer, - They were also Towns in ancient Demeasns. And further, 'tis not to be doubted, but there are many small Towns, Manors and Places, now re-
sted

* In the Additions to the Appendix, N. 23. 24.

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puted Burghs, which were not such at the making of Domesday-Book, or the Conquerors Survey, nor perhaps were they the King's Demeasns at that time. But those Manors and Towns might have come to the Crown afterwards, by escheat or forfeiture, before there were any summons issued for the choice of Citizens and Burgesles. And so the Sheriffs then (to whose * discretion it was left to direct them) might send precepts to such of the King's Towns as they thought to be, or named Burghs, to send Representatives to Parliament. Whether they were real Burghs or not; or instead of Burghs, might direct their precepts upon the Writ to such of the King's Towns, and Demeasns, as by exercising Trade, and using some franchises and liberties by connivance, and under shelter of the royal protection, had the appearance of Burghs,

* See here from
Fol. 51. to Fol.
60.

[2] The time
of the making
of Domesday
Book which
see in Cornwall.

[3] Domesd. in
Cornwall, sub
Tit. Terræ
Episcop. Ex-
cestren.

In Cornwall at the [2] time of the Survey, none of the now Burghs were placed under the Title of *Terra Regis*, unless that which was then called Henlistone, and described as an ordinary Town, be now Helston, nor had any of them at the time aforesaid, the title of Burghs, [3] *Ecclesia Sancti Germani*, that Manor or Parish consisted of twenty-four Hides, whereof the Bishop of Excester had twelve, and the Canons of the place had twelve, what belonged to the Bishop was valued at 8l. by the Year, what belonged to the Canons was valued at an hundred shillings. *In hoc Manerio est Mercatum in Die Dominico sed ad nichilum redigitur pro Mercato Comitum Moritonii quod ibi est proximum*, in this Manor is a Market on the Lord's Day, but 'tis reduced to nothing by reason of the Market of the Earl of Moreton, that is very near.

The

The Earl of Moreton [4] holds Lifcarret, there described as an ordinary Town, the same holds Fawintone, there described as an ordinary Town, Parish or Village, the same holds Dunhevet (now Lanceston) *ibi Castrum Comitis*, there is the Earls Castle, or the head of the County.

[4] Ibid. Sub. Tit. Terræ Comit. Moriton. f. 121. B. Col. 1.

The [5] Church of St. Petroc holds Bodmine, there St. Petroc hath sixty-eight Houses, and a Market, the whole is valued at XXXV shillings by the year.

[5] Ibid. f. 121. B. Col. 2.

No other names of the present Burghs in Cornwall to be found in Domesday-Book, or other things of these.

In Devonshire, besides what were mentioned before under the Title of *Terra Regis*; there is Excester Burgus described by itself, Honetone under the Title of *Terra Comit. Moretonensis* but no Burgh, Totnais Burgus, under the Title of *Terra Judhael de Totnais*, and Ochmentone (I suppose now Oakhampton) Burgus, under the Title of Baldwin the Sheriff, *Baldwinus Vicecomes* [6] *Tenet Ochmentone de Rege, ibi sedet Castellum, ibi quatuor Burgenfes, & Mercatum valet IIII Solidos.*

[6] Ibid. f. 105. B. Col. 2.

No other Names of the present Burghs to be found in this County, in Domesday-Book, unless, as hath been noted before, those which are placed under the Title of *Terra-Regis*.

In Wiltshire, besides what were reckoned before under the Title of *Terra-Regis*, there is [7] Malmesbury described by itself; Merleberg is described as an ordinary Town, no Burgh. Duntone

[7] Ibid. fol. 64. B. Col. 1.

is

is placed under the Title of *Terra Episcopi Wintoniensis*, no Burgh, but described as an ordinary Town.

[8] Ibid. fol.
66. A. Col. 1.

Salisbury is under the Title of [8] *Terra Episcopi Salisberiensis*, no Burgh, but described as a very great Manor; and as other country Towns, only thus in part of the description, *In Wiltune vii. Burgenſes pertinentes huic Manerio, reddunt lxx. Denarios.*

[1] Ibid. fol.
73. A. Col. 1.

[9] Etesbery (I suppose now Heytsbury) under the Title of *Terra Aluredi de Iſpania*, and is thus described, *Aluredus [1] de Iſpania Tenet de Rege Eteſberie, ALWI Tenuit Tempore Regis Edwardi, valuit iii l. mod̄i, iiii l.*

No other names of the present Burghs to be found in the Description of Wiltshire, but such as were ancient Demeasns.

And so it is in other Shires and Counties, such especially as have now many Burghs in them, as Somersetshire, Hampshire, Suffex, Lancashire and Yorkshire, in every of these there are now several real or reputed Burghs, whose names are not to be found in the Conqueror's Survey.

The Original
of our present
Burghs.

And therefore we are next to shew, or at least make a probable conjecture, what the original of many (if not all) our present Burghs was; which to me seems to have been only from Charters. We will begin with those of Cornwall, which are most obscure, and then instance in some others.

Helleston.

For the Burgh of Helleston, see Appendix, Numb. 8.

Truro,

Truro, Truru, or Triureu, was some time the Truro, possession of Richard de Lucy, a person of great note in the reigns of King Stephen, and Henry the Second; in the eighth of whose Reign he was made Justice of England. From him it came to Reginald Fitz-Roy, who was one of the illegitimate Sons of King Henry the First, and was [2] created Earl of Cornwall by King Stephen in the Fifth of his Reign, and died in the 21st of Henry the Second. He, by his Charter, granted to his free Burgesses of Triureu, that they should have all their free Customs, and such as were used in Cities, and the same in all things which they had in the time of Richard de Lucy: (That is to say) *Sac, Soc, Tol, Them, and Infangenethuf*; and granted them, that they should not plead or be prosecuted in Hundred, or County-Courts, nor for any summons should go any where to any law-busines without the Town of Triureu; and that they should be quit from paying Toll through all Cornwall, in Fairs and Markets, and wheresoever they bought and sold. And that for the goods they trusted, when they were not paid, they might distrain their debtors, when they found them in their Town. The Charter itself runs thus:

[2] Dugd.
Baron. f. 616.
Col. 1. 2.

Reginaldus Regis Filius Comes [3] *Cornubiæ. Omnibus Baronibus Cornubiæ & omnibus Militibus, & omnibus Libere-Tenantibus, & omnibus Tam Anglicis quam Cornubiensibus, salutem. Sciatis, quod concessi LIBERIS BURGENSIBUS meis de TRIUREU habere omnes LIBERAS CONSUETUDINES & URBANAS, & easdem in omnibus quas habuerunt in Tempore RICARDI de LUCK, scilicet SACHAM, & SOCHAM, & TOLL, & THEM, & INTANGENETHUF & Concessi eis quod non placitent in HUNDREDIS, nec COMITATIBUS,*
nec

[3] Cart. per
Insperimus
13 Ed. 1. N. 61.

The Charter
of Truro.

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nec pro aliqua summonitione eant ad placitandum alicubi extra villam de TRIUEREU, & quod quieti sint de THOLNEO dando per totam CORNUBIAM in feriis, & in foris, & ubicunque emerint & vendiderint, & quod de pecunia eorum accredita, & non reddita NAMUM capiant, in Villa sua de Debitoribus suis. His Testibus, &c. without Date.

In the same Record it follows thus : *Inspeximus etiam Chartam quam Henricus proavus Noster (Henry the Second, who was Great Grandfather to Edward the First) fecit eisdem Burgensibus in hæc Verba. Henricus Dei Gratia Rex Angliæ, & Dux Normanniæ, & Aquitaniæ & Comes Andegaviæ, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris & omnibus fidelibus suis Francis, & Anglis, totius ANGLIÆ, & CORNUBIÆ, Salutem. Sciatis me Concessisse & Præsenti Carta Confirmasse BURGENSIBUS Richardi de Lucy de TRIUEREU omnes Libertates & Liberas Consuetudines, quas COMES REGINALDUS ABUNCULUS MEUS, (base Son to HENRY the First, and so Brother to MAUD the Empress) rationabiliter dedit eis & concessit sicut CARTA ipsius Comitum Testatur, quare volo, &c. Testibus R. Episcopo Winton, &c. without date, both which Charters Edward the First confirmed by his Charter, dated on the 12th of June, in the * 13th of his Reign, EDMUND then Earl of Cornwall being a witness to it.*

* A. D. 1284.

[4] Cart. 15.
Hen. 3. M. 4.
[5] Pat. 2.
Hen. 5. part. 3.
M. 28 per inspeximus.

Richard, brother to King Henry the Third, was created Earl of Cornwall in the [4] fifteenth year of his Reign, who by his [5] Charter, without date made DUNHEVED or LANCESTON a free Burgh, and amongst other liberties, granted to the Burghesses to choose their own Bayliffs, who were

were to answer the Farm of the Burgh, which was to himself an hundred Shillings, to the priory of St. Stephen in Lanceston, sixty-five Shillings and ten-pence, and to the lepers of St. Leonard of Lanceston an hundred Shillings of his Alms. He granted them also *Unam Placeam*, where they should think it most decent and honourable, to erect a Guildhall in the same Burgh, to hold of him and his heirs, by a pound of pepper to be paid yearly at Michaelmas for all service and demand whatever, he granted also they should not be taxed when the County was, nor talliated, by him or his heirs, when the King talliated all his Burghs in England. *Et [6] quod non Talliantur per nos vel Hæredes nostros ad Tempus quando Dominus Rex omnes Burgos suos per Angliam Talliaverit.* There were Burgeses inhabiting in, or belonging to the Castle of this Town in the Time of King Henry the Second, who had certain liberties and privileges, as appears by the Charter of Helleston in the Appendix, N. 8.

Dunheved
or Lance-
ston.

[6] Ibid.

The same Earl RICHARD made LISKERETH or LISKARD a free Burgh, and granted to the Burgeses [7] all those liberties and free customs which, by his Charter he had granted to his Burgeses of Lanceston and Helleston. This Charter is dated 5. Junii, in the 24th of his Brother Henry the Third. A. D. 1240.

[7] Pat. 2. E. 3.
Part. 2. M. 14.
per inspexi-
mus.

Edmund Earl of Cornwall his Son in the [8] Third of Edward the First, granted this whole Burgh, with the rent of the same, and his Mills of Bodgara, and Lonvil, with the Hill of Bodgara and the Meadows belonging to the Mills, with the Toll of the Market and Fairs, and also all fines, mulcts and perquisites of the same Burgh, belonging

[8] Ibid.

[9] Ibid.

ing to him and his heirs in Fee-Farm, at the Rent of eighteen Pounds sterling, to be paid to him or his heirs by the hands of his *Seneschal* of Cornwall, by equal portions at Easter and Michaelmas, [9] except to himself and heirs, that they might talliate the said Burgh, as often and when the King of England did talliate his Cities and Burghs. *Salvo nobis & Heredibus nostris quod prædictum Burghum Talliare possumus, quotiescunque Dominus Rex Anglia Civitates & Burgos suos Talliaverit.*

[1] Cart. 13.
Ed. 1. n. 9. by
Inspeimus.
Bodmin.

The same Earl Richard, [1] granted to the Prior and Canons of Bodmin, a free Merchant-Gild, (*GILDAM MERCATORIAM*) in that Town, and that their Burgeses should be free and quit of all customs and exactions through all Cornwall, for the yearly Rent of forty-three shillings and fourpence without date, &c.

[2] Cart. 19.
Ed. 2. n. 24. by
Inspeimus.
[3] A. D. 1269,
Hen. 3. 53.
Loftwithiel.

The same Earl when he was King of the Romans, [2] in the 12th year of his Reign [3] made Loftwithiel and Penknek one free Burgh, and that his Burgeses there should have a Merchant-Gild, and then proceeds and grants them further liberties in the same words with those of Truro.

Graunt-
point.

[4] Pat. 1. R.
2. part. 6. m. 7.
by Inspeimus.

John of Eltham second son to Edward the Second, was Earl of Cornwall, who [4] gave and granted to his Burgeses of Grauntpoint, or Great-Bridge in Cornwall, the whole Town, and several other Lands abuttalled and bounded in his Charter, and made it a free Burgh, which they were to hold of him and his heirs for ever in Fee-Farm, paying at the feasts of Easter and Michaelmas, twelve pounds, eleven shillings and fourpence.

pence. This Charter * bears date the sixth of October in the seventh year of his dearest brother King Edward.

* Vid Cart. 6. Ed. 3. n. 7. To which this John Earl of Cornwall, so named there, was a witness. [5] Dugd. Baron f. 22. Col. 1. 2.

Reginald de Valle Torta, or Vautort, who [5] lived in the time of King John, and died in the 30th of Henry III. was Lord of the Honor and Castle of Trematon, which was head of it, to it [6] belonged fifty-nine fees of the yearly value of 259l. 6s. 8d. As the Earls of Cornwall exercised their *Jura Regalia* in erecting of Burghs in the County, so this Reginald and his antecessors, exercised theirs in erecting the Burgh of Essa, or Saltash, within their Honor of Trematon.

[6] Rot. Es. chaet. 28. Ed. 1. n. 44. Essa, or Saltash.

[7] *Sciant presentes & futuri, quod ego Reginaldus de Valle Torta Dedi & concessi & hac presenti carta mea confirmavi liberis Burgenfibus meis de essa omnes libertates & liberas consuetudines suas hic subscriptas, quas habuerunt tempore antecessorum meorum, &c.* which were many, and amongst them these, that they should choose their own Bayliff or Mayor; that they should have the whole toll of bread, *totum panis Theloneum*; and, that none of his Burgeses should be taken and carried to his castle, if they were able to find sufficient sureties of their Peers, for their transgressions. This Charter was confirmed by Richard the Second, *ut supra*.

[7] Pat. 5. Ric. 2. part. 1. m. 10. by Insipeximus.

This Burgh of Essa is now called [8] Saltash, which lies in the same parish of St. Stephen's, wherein the Castle of Trematon, the head of that Honor now doth, or then did stand. These instances are sufficient for Cornwall, some few do follow in other counties.

[8] Carew's Survey of Cornwall, p. 111. b. & p. 112. b. printed A. D. 1602.

H

Baldwin

[9] Cart. 13.
Ed. 1. n. 64.
by Inspeimus.
Plympton.

Baldwin de Redverys, [9] Earl of Devon and Lord of the Isle (that is, Wight) in the 26th of Henry the Third granted to his Burgeses of Plympton, his whole Burgh of Plympton, with the market and fairs, and all appurtenances to the said Burgh belonging, to have and to hold to them and their heirs of him and his heirs for ever, so freely and quietly, with all liberties and free customs, *eo modo sicut Cives Exoniæ melius & liberiùs habent vel habere debent in Civitate sua Exoniæ, quam de Rege tenent*, in the same manner as the Citizens of Excester, best or most freely have, or ought to have in their City, which they held of the King; this charter was confirmed by Edward the First, as above.

[1] Cart. 2. Ed.
3. n. 6. by
Inspeimus.
Preston.

Preston in Lancashire, [1] made a Burgh by King Henry the Second, had new liberties granted by King John, when Earl of Moreton and Lancaster, confirmed by King Henry the Third, and Edward the Third.

[2] Cart. 11.
Ed. 3. m. 22.
n. 39. by
Inspeimus.
Lancaster.

The same John Earl of Moreton and Lancaster, [2] granted and confirmed to his Burgeses of that Town, in the Fourth of Richard the First, all the liberties which he had granted to the Burgeses of Bristol, and furthermore released to them the suit they ought to his mill, and acquitted them from ploughing his lands, and performing other servile customs. *Johannes Comes Moreton omnibus hominibus & amicis suis Francis & Anglicis præsentibus & futuris, Salutem. Sciatis, me concessisse & hac Carta mea confirmasse Burgensibus meis Lancastriæ omnes Libertatis quas Burgensibus Bristol concessi. Præterea clamavi eosdem Burgenses quietos de Secta Molendini, & de Arura, & de aliis Servilibus Consuetudinibus quas facere solebant,*

lebant, &c. This charter was confirmed by this John, when King, and by Edward the Third, in the Eleventh of his Reign, as in the margin.

John the eldest son of the Duke of Britain, and Lord of Richemund, by his charter without date for him and his heirs, [3] granted to the Burgesles of Richemund, the Burgh of Richemund, with the Mercate and Fairs, and the tolls, with all rents of Assize, attachments and pleas, or mulcts of the said Burgh, and his whole Demeash, called the land of Fonteney, &c. At the rent of forty pound per annum, &c. Which charter was confirmed by Edward the Third, in the Second of his Reign, as in the margin.

Richemund.

[3] Pat. 2. Ed. 3. Part. 1. m. 11. by Inspeimus.

King John in the Second of his Reign, granted to [4] Baldwin Earl of Albemarle and Hawis or Avis his Countess the free Burgage in Hedun, now Hedon, Heydon, or Hodon in Yorkshire, to them and their heirs in fee and inheritance, so that their Burgesles of Heddun might hold freely and quietly in free Burgage, as his Burgesles of York and Lincoln, best, most freely and quietly did hold, with such customs and liberties as King Henry his father, (that is, Henry the Second) granted to William Earl of Albemarle, by his reasonable charter.

[4] Cart. 9. Ed. 3. n. 33. by Inspeimus. Hedon.

Johannes Dei Gratia Rex Angliæ, &c. Sciatis nos Concessisse [5] Baldewino Comiti Albemariæ & Hawisæ Comitissæ Uxori suæ liberum Burgagium in Hedduna eis & Hæredibus suis in feudo & hæreditate, ita quod Burgenses eorum Heddunæ, liberè & quietè in libero Burgagio teneant sicut Burgenses nostri de Eboraco vel Nichol melius, & liberius, & quietius tenent, illis Consuetudinibus & Libertatibus, sicut Rex Henricus

[5] Ibid.

H 2

Pater

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Pater noster Willielmo Comiti Albemarlæ per Cartam suam rationabilem concessit. Testibus, &c. Dat. apud Canesford 13 Die Decemb. Anno Regni nostri 2. This charter was confirmed by Edward the Third, as in the margin. Very many more instances might be given of charters of very obscure Burghs, and might also be published in the Appendix, if it were not for making this treatise too bulky.

What a Free
Burgh is.

From these instances we may make a more than probable conjecture, that all Free-Burghs, though now never so obscure, had their beginning from charter, which was granted as well for the advantage of the King, Earl, or other great man, Lord of the Burgh, as for the profit of the Burgessees themselves. For a Free-Burgh, in the true sense of the word, was only a town of free trading, with a Merchant Gild, or Community, without paying toll, pontage, passage, stallage, &c. And being free from certain fines or mulcts, from suit to Hundred, and County-Courts, or being prosecuted, or answering there, or any where else, but within their own Burgh, except in pleas of the crown. With other privileges, liberties, and customs, according to the tenor of particular grants and charters. And a Free Burgesse was no other, than a man that exercised free trade, according to the liberties and privileges of his Burgh, whether he resided in it, or whether he had liberty to live and trade elsewhere.

Upon account of these liberties, the Prince or Lord of the Burgh received toll and customs, for the goods bought and sold, or in process of time a Fee-Farm rent, or annual composition in a stated sum, always less than the true value, in lieu of them.

them. And a reasonable tallage or aid, when for his necessity he had reason to impose it. And that tallage was due and paid by Citizens and Burgeses, to our ancient Kings, only in consideration of their liberty of buying, selling and trading; and the liberties they had granted them to that purpose and so to do, will be clearly evinced by what follows.

Tallage why paid and imposed by our ancient Kings.

In the [6] Eleventh of Henry the Third, New Sarum was made a City by the King's Letters Patents, and given to the then Bishop his Successors and Canons there, and their Successors as their proper Demeasns, (*tanquam proprium Dominicum*) and further granted to the same Bishop and his Successors, that for the necessity of himself or his church, he might take a reasonable tallage or aid of his Citizens, when the King or his Heirs made a reasonable tallage in his Demeasns. (*Concedimus insuper eidem Episcopo, & Successoribus suis, quod pro necessitatibus suis, & Ecclesie sue, TALLAGIUM vel RATIONABILE AUXILIUM capiant de prædictis Civibus suis, quando nos vel hæredes nostri TALLAGIUM faciemus in Dominicis nostris.*)

[6] Riley's Placit. Parliamentar. f. 271. The Case of Salisbury about Tallage,

In the 33d year of Edward the First, the Bishop of Salisbury [7] required an aid or tallage of the Citizens of New Sarum, according to the grant of Henry the Third, the Citizens refuse payment, upon application of the Bishop to the King, he granted his precept to the Sheriff of Wiltshire, to summon, by two legal men, the Mayor and Community (not all the Burgeses, but the governing part) of New Sarum, to appear before him and his Council at Westminster, to shew cause why they

[7] Ibid. f. 273.

ought not to be talliated according to the charter and grant aforesaid.

[8] Ibid.

They appeared by their attornies, [8] and pleaded, that Richard, the Predecessor of the then Bishop with the concurrence and assent of the Dean and Chapter, by their charter, had confirmed to their

[9] Ibid. f. 274.

free Citizens of New Sarum [9] that every one of them should hold his free tenement, (*suum Liberum Tenementum*) in the City aforesaid, and their heirs likewise, honourably, freely, quietly and peaceably, rendering to the Bishop and his Successors, (*pro plena placea*) that is a full Tenement or Burgage, twelve pence by the year, and he that held more or less should pay according to the same quantity more or less for all services and demands, and upon this they produce the charter of Bishop Richard; and demand judgment, as if they were free men and free tenants, (*Desicut sunt liberi & libere Tenentes*) as it was contained in the charter aforesaid, and never were as they said talliated, whether they ought then to be talliated.

[1] Ibid. f. 275.

The Bishop, notwithstanding the grant of his Predecessor, [1] affirmed, they ought to be talliated, and pleads the charter of King Henry III. and that the Citizens at their own charge had procured a confirmation of it, from King Edward. And the matter having been fully debated before the King and Council in Parliament, it was said, that King Henry in the grant of their liberties (which were no other than those of the City of Winton, and many other Cities and Burghs) imposed upon the said Citizens, the burthen of the said tallage and reasonable aid, for the necessities of the said church, when the King or his Heirs made a tallage in his Demesnes,

Tallage paid by Burgeses in respect of their Trading and the use of Burgh Liberties.

means, and from the time the said Citizens used their liberties and quietances, (that is from Toll, Pontage, Passage, &c.) to their profit, by the said charter, they ought to bear the burthen imposed upon them by the same, when 'tis consonant to reason, that those who have the profit should bear the burthen.

The King therefore did will and command, [2] [2] Ibid. that the Citizens should be for that time talliated, for the profit they had received by their liberties from the time of the first grant of their charter until then. And afterward chuse whether they would use their liberties and be talliated according to their charter for the future, or renounce them, and not be talliated. The Citizens did chuse to renounce their liberties, and a few days after surrendered them to the King by the hands of their Mayor.

When by reason of this renunciation, the Citizens could not use their liberties, or any one of them, within less than the space of a year, they, with the Bishop, petition the King to have their liberties re-granted, and do submit to pay tallage, as it follows in the charter of this King, after the repetition of King Henry's charter, and the precedent judgment.

[3] *Et idem Episcopus & Prædicti Cives jam nobis attentè supplicaverunt, ut de Gratiæ nostra concedere velimus, libertatibus superius expressis, (in the charter of King Henry) & dictos Cives contingentibus, & per ipsos ut prædictum est Renunciatis, de cætero uti possint & gaudere, Nos licet dicti Cives Libertatibus prædictis Renunciaverint sicut prædictum est, considerantes tamen pium propositum quod dictus Pater noster habuit ad Ecclesiam prædictam, &c. Necnon & per finem quem prædicti Cives fecerunt nobiscum coram Consilio nostro*
Volumus

[3] Cart. 34.
Ed. 1. n. 27.

Volumus & Concedimus pro Nobis & Hæredibus nostris, quod dicta Civitas de Nova Sarum sit Libera Civitas ipsius Episcopi, & Successorum suorum, ac Ecclesiæ suæ prædictæ in perpetuum. Et quod Cives ejusdem Civitatis ibidem manentes sint Cives ipsius Episcopi & Successorum suorum, & quod per totam Terram nostram de Theolonio, Pontagio, Passagio, Paiagio, Lestagio, Stallagio, Cariagio, & omni alia Consuetudine de omnibus rebus suis sint quieti. Et quod habeant in perpetuum omnes alias Libertates & Quictancias per totam Terram nostram quas habent Cives nostri Wynton & quod omnibus & singulis Libertatibus supra Scriptis quatenus eos contingunt de Cætero utantur & gaudent adeo plenè & integrè sicut in dicta Carta prædicti Patris nostri necnon & in Carta nostra de Confirmatione prædicta plenius continentur. Quodque idem Episcopus & Successores sui, Tallagium vel rationabile auxilium capiant de prædictis Civibus suis, Hæredibus vel Successoribus suis ratione Libertatum ipsis Civibus per nos sic concessarum quando nos vel Hæredes nostri Tallagium in nostris Dominicis de cætero faciemus. Quare volumus, &c. In English thus.

And the same Bishop and the foresaid Citizens now most earnestly have beseeched us. That of our especial grace we would grant them the liberties above expressed touching the said Citizens, and which were renounced by them, and that they might use and enjoy them; We, though the said Citizens have renounced the liberties aforesaid, considering the pious purpose our father had to the church aforesaid, &c. and also for the composition or fine the Citizens made with us before our Council, we will and grant for us, and our heirs, that the said City of New Sarum be the Bishops and his Successors free City, for ever, and that the Citizens of the same City there dwelling, be the Bishops and his Successors Citizens, and that they be quit

quit of Toll, Pontage, Passage, Paiaage, Lestage, Stallage, Carriage, and all other Custom of all their goods through our whole land, and that they have for ever all other liberties, and quietances through our whole land, which our Citizens of Winchester have, and that for the future they use and enjoy all and singular the above written liberties, fully and wholly, as they are contained in our fathers charter, and our own of confirmation. And that the same Bishop and his Successors may take a reasonable tallage or aid of his Citizens aforesaid their Heirs or Successors, by reason of the liberties by us so granted, when we or our Heirs shall hereafter talliate our Demeasns. Wherefore we will, &c. Dated the 28th of May at Westminster.

Why Tallage
paid by Burghs
and Cities.

The emolument and profit mentioned in this judgment and charter, did arise from buying, selling and trading, and the liberties (by reason whereof the Citizens were talliated,) there spoken of, were granted for the furtherance and encouragement of them, which all free Citizens and free Burghesses enjoyed, as Members of a free City or Burgh. And 'tis evident they were called free Cities, (or more frequently) free Burghs, and the Members thereof free Citizens, and free Burghesses, (almost in all charters), from these liberties and free trading only, notwithstanding they were liable to reasonable tallage imposed by the King, when his necessity required it; and from their paying a Fee-Farm rent, and being obnoxious to the King's tallage, either expressed, or implied in the charters, by the profit received, most of the Cities or Burghs in England, were called *Civitates & Burgi Domini Regis*, as his Demeasn lands were called *Terræ Regis Dominicæ*, and the tenants of them, *Tenentes Regis Domini*,
for

Free Burghs
Free Cities,
why so called.

for the same reason, and for others as before has been said.

To this we will add another record for the proof of the assertion, that tallage in Cities and Burghs was paid, upon the account of buying, selling, trading or merchandizing, and use of their liberties granted by the King, being a petition in Parliament in the 33^d of Edward the First.

[4] Riley's
Flacita Parle-
mentar. f. 259.

Ad petitionem [4] Majoris & Burgensium Bristol petentium quod Homines qui Tenent Terras, & Redditus Magistris, & fratrum Templi, in Villa Bristol Tallientur & Contributionem faciant ad Tallagium Regis ejusdem Villæ cum Burgensibus ejusdem, de sicut ipse Mercantur, & omnibus aliis Libertatibus & Assamentis usi sunt quæ ad dictam Villam pertinent, &c..

Ita Responsum est. Distringantur pro Contributionibus, & Tallagiis faciendis, & fiat Justitia Conquerentibus, & super hoc habeatur Breve de Cancellaria Majori & Ballivis Bristol. That is.

* Note Trading, a Liberty.

To the petition of the Mayor and Burgeses of Bristol, that the tenants of the Master and Brethren of the Temple, in the Town of Bristol, might be talliated, and make contribution to the tallage of the same Town paid to the King, with the Burgeses of the same, for that they traded or merchandized, and used all * other liberties and easements, which belong to the said Town.

It was answered. Let them be distrained for contributions, and tallages, and let justice be done to the complainants, and upon, or for this, let a writ

whit go out of Chancery directed to the Mayor and Bailiffs of Bristol.

And 'tis yet further evident, That Cities and Burghs maintained themselves, paid taxes and bear other charges in respect, and by means of their Franchises, upon which the Cities and Burghs were founded, from the * petitions of the Citizens and Burgeses to the King and his Council in Parliament, in the 46 of Edw. 3. in the form following :

To our Lord the King, and his noble Council, the Citizens of the City of London do shew, That they have nothing to live upon but their industry and Franchise, upon which Franchise the said City was founded, and by reason of which Franchise they were wont to travel by Land and by Sea in divers countries for their profit. By which travel they used to bring divers merchandizes, to the great common profit of the whole Realm of England, to the great aid and maintenance of the said City, sustentance and increase of the Navy, of the said Land :

* In the Additions to the Appendix. N^o 25.

The City of London founded upon the Franchises Granted by the Kings of England and their Progenitors.

And of late their Franchises are taken from them against the grant of our said noble Lord the King, and his noble Progenitors, sealed with their seals, and against the Great Charter, to the great destruction as well of the said City, common damage of the Land, as also the Navy. Whereupon they pray, " That the King would please to have regard, and take notice, the said City was founded upon the said Franchises, without which they could not maintain the City, nor bear the taxes and other charges as they were wont to do : For which cause they pray they may have their Franchises according to the grant of the King, and his noble Progenitors, and the Great Charter ; and that all such grants and

and confirmations of Franchises may be made to all other Cities and Burghs of the Realm. ”

By what hath been here written upon that head, 'tis mightily probable, that our present-free Burghs had their origin, and received the liberties they have of long time used, from Charters only, (especially since the conquest) and if any man can shew any Burghs, or antient Trading Towns, which use the common liberties of Burghs, without Charter, or that never had one, undoubtedly (if any such there be) they were Towns holden of the King in ancient Demeasns; and the inhabitants upon presumption of being his tenants, did at first begin to buy, sell and trade, and by connivance continued so to do, as the tenants or men of the Templers did in Bristol, presuming upon their masters great privileges.

The instances used concerning the original of Burghs, were of such, as have been erected by, or granted to Earls. Those erected by the Charters of Earls, were notwithstanding constituted such, by an implicit derivative power from the King, who had created them Earls, and the chief fundamental Dominion of those Burghs remained in the King or Crown: For the Earls could not talliate them at their own pleasure, but only when the King's Demeasns were talliated, and then by his grant, or precept, as is manifest from these two records.

The fundamental Dominion of Burghs remained in the King

[5] Cl. 6. Joh.
han. m. 4.

Rex Vicecomiti Lincoln, Salutem. [5] Scias quod Commisimus Dilecto nostro Willielmo Comiti de Warrena Grantbam & Stanford cum pertinentiis habendum quousque

quousque Terram suam recuperaverit in Normannia, vel quousque ei alibi fecerimus Competens Excambium. Ita tamen quod non possit Talliare Homines de Stanford nisi per præceptum nostrum. Et ideo tibi præcipimus quod ei inde sine dilatione Seginam habere facias. Teste Rege apud Westm. 19. Die Aprilis.

By this record it seems probable, that by the original grant, *William de Warenn*a might have power and licence to talliate Grantham, but he could not impose tallage upon Stanford, but by the King's precept. The other record is this.

Rex Vicecomiti Cornubiæ, Salutem. [6] Scias quod de Consilio nostro provisum est, quod auxilium Efficax affideri faciamus in omnibus Burgis & Dominicis nostris per totam Terram nostram Angliæ, & Volumus quod Consimile auxilium affideatur per Totam Ballivam tuam in Dominicis & Burgis nostris, ad opus dilecti fratris nostri R. Comitis Pictaviæ, & ideo tibi præcipimus quod una cum Simone de Brackel, Ballivo prædicti Comitatus ad auxilium assidendum in Burgis & Dominicis nostris de Comitatu tuo diligenter intendas, Teste Rege apud Westm. 16 Die Februarii.

[6] CL. 11. Hen. 3. part. 1. m. 19. De Tallag. in Comitatu Cornub.

Sir William Dugdale in his Baronage, Fol. 762. Col. 1. says, Richard, Earl of Poictou, Brother to King Henry the Third, was created Earl of Cornwall in the Eleventh of his Reign, if so, the King might grant this precept after he was Earl, and call them his Demeasns and Burghs, by reason of his supreme original Dominion, and prerogative; or if not made Earl of Cornwall until the Fifteenth of that King, as hath been noted before, he might then have the Earldom of Cornwall in his hands by eschaet, or forfeiture, and so call the revenues of
the

A TREATISE of

the Earldom, and Burghs in that County, his Deas means. Which way soever it was, his brother Richard could not impose a tallage without his precept. Which was a certain argument that the supreme Dominion of those Cornish Burghs was in the King.

I shall conclude this Treatise with the answers to these two questions.

First, Who named them, and by whose direction and appointment it was, that such, or such Burghs chose, and sent Burgessees or Members to Parliament, and not others?

Secondly, Who then were, or ought to be the Electors, in real or reputed Burghs?

The Sheriffs at first directed, what Towns or Burghs should send Burgessees to Parliament.

To the first. It was left to the Sheriff of each County to name and direct which were Burghs, and which were not, by those indefinite and general words in the writ. *De qualibet Civitate Duos Cives & de qualibet Burgo Duos Burgenfis, &c. eligi facias, &c.* To cause to be chosen two Citizens of every City, and two Burgessees of every Burgh.

[7] Return.
Brev. Parl. 26.
Ed. 1. in Tur-
ri Lond.
Wiltshire.

The [7] first returns extant of Knights, Citizens and Burgessees are in the Twenty-sixth of Edward the First, and in that of Wiltshire for that year annexed to the writ, there returned two Knights for the County, two Citizens for New Sarum, two Burgessees for Downton, two Burgessees for the Devizes, two for the Burgh of Chippenham, and two for Malmesbury, with their Manucaptors, and the writ was sent to the Constable of Merleberge, (that is, the Constable of the Castle there,) *& Ballivis Libertatis CALN, & Worthe, qui nullum inde dederunt Responsum.*

Responsum. And to the Bailiffs of the Liberty of Caln and Worthe, who returned no answer. To the City of New Sarum, and these six other Burghs, the Sheriff of this year, made his Precepts, and for them only made his returns.

[8] Return.
Brev. Parl. 12.
Ed. 3.
Wilts.

In the [8] returns of Knights, Citizens and Burgeses to serve for this County in the Twelfth of Edward the Third, in a Parliament holden at York three weeks after Michaelmas, the Execution of the writ was in a Schedule sewed to it, *Executio istius Brevis patet in Cedula huic Brevi consuta.* After the return of the Knights, the Sheriff for that year, returns only two Citizens for Sarum, two Burgeses for Wilton and two for Downton, with Manucaptors; and then for two Burgeses for Merleburg; *Breve retornatum fuit Constabulario Castri Merleberg, eo quod nulla inde fieri potuit Executio in Balliva mea infra Libertatem prædictam. Et idem Constabularius qui habet Returnum omnium Brevium & Executiones eorundem, nullum mihi inde dedit Responsum.* The writ was returned to the Constable of the Castle of Marleburgh, because it could not be executed by me in that Liberty, and the Constable, that hath the return of all writs and the execution of them gave me no answer. The Sheriff of this year made his Precept to two Burghs only, and for them, and no other made his return, and one of them was not returned in the Twenty-sixth of Edward the First, and then immediately after his answer concerning Marleburgh, closeth the return thus. *Non sunt plures Civitates, neque Burgi infra Ballivam meam,* that there were no more Cities, nor Burghs within his Bailiwick: That is, within the County, notwithstanding Bedwin, Caln, Chippenham, Creklade, Devizes, Lutgerthall, Malmesbury and Marleburgh

burgh had frequently Burgesſes returned to Parliament, eſpecially the two latter, before this time, as appears by the returns in Edward the Firſt, Second and Third until this year.

[9] Return.
Brev Parl. 36.
Ed. 3.
Wilts.

In the [9] return of the Thirty-fixth of this King, after the return of Knights for the ſame County, and Citizens for New Sarum, there were by this Sheriff two Burgeſſes returned for Wilton, two for the Burgh of Old Sarum, two for the Burgh of Downton, two for the Burgh of Chippenham, two for the Burgh of Caln, in the return. *Nomina Burgenſium Burgi de Caln*, two for the Burgh of Marleburgh, two for the Burgh of Devizes, two for the Burgh of Malmſbury, two for the Burgh of Creklade, *Nomina Burgenſium Burgi de Creklade*, ſo in the return, and two for Bedwinde. Then after the names of the Burgeſſes for thoſe ten Burghs, with their Manucaptors, the Sheriff cloſeth his return with theſe words, *Et non ſunt plures Civitates nec Burgi in Comitatu prædicto, Ideo inde ulterius nichil actum eſt*, and there are no more Cities nor Burghs, within the ſaid County, and therefore there is nothing further done in this matter.

[1] Ibid. in
Dorso Brevis.

The return of theſe Burgeſſes in the dors of the writ, is much to our purpoſe, and runs thus: [1] *Ego Henricus Sturmy Vicecomes prætextu iſtius Brevis de Comitatu infra Scripto, Duos Milites, Et de qualibet Civitate ejusdem Comitatus Duos Cives, Et de quolibet Burgo dicti Comitatus Duos Burgenſes de melioribus, validioribus, Et discretioribus, Militibus, Civibus Et Burgenſibus, Comitatus, Civitatum Et Burgorum prædictorum eligi feci juxta tenorem iſtius Brevis, Et nomina*

mina dictorum Militum Civium & Burgenſum patent in quadam cedula huic Brevi Conſuta. That is,

I Henry Sturmy, Sheriff, by virtue or pretext of this writ, have cauſed to be choſen, in the County under-written two Knights; and of every City of the ſame County two Citizens, and of every Burgh of the ſaid County two Burgeſſes, of the beſt, moſt able, and diſcreet Knights, Citizens, and Burgeſſes of the County, Cities and Burghs aforeſaid, according to the tenor of the writ; and the names of the Knights, Citizens and Burgeſſes, are written in a Schedule ſewed to this writ.

W I L T S.

In this return, notwithstanding the Sheriff returned that there were no more Cities nor Burghs in his County, yet he left out Lutgerſhall, which had ſent Burgeſſes to Parliament, 7th of Ed. 2. twice in the 8th of Ed. 2. the 4th of Ed. 3. the 14th of Ed. 3. and 33d of Ed. 3. before this time, as appears by the returns of thoſe years.

In the 43d of Edward the Third. The [2] return is thus upon the dors of the writ. *Ego Walterus Haywood, Vicecom. Vobis ſic Reſpondeo Mandatum Veſtrum Reverenter ſum executus prout patet in Cedula huic Brevi Conſuta.* "I Walter Haywood, Sheriff, make you this anſwer, that I have reverently, or rather (according to the meaning of the man) Truly, executed your command, as is to be ſeen in the Schedule ſewed to this writ." And then returns only the names of the Knights, Citizens for New-Sarum, Burgeſſes for Wilton, Old Sarum, Marleburgh, the Deviſes, Malmsbury, Creklade, and

[2] Returns
Brev. Parl. 43.
Ed. 3.
Wilts.

no more, making no return for Caln, Chippenham, Bedwin, or Lutgershal, nor excuse why he did not.

[3] Return.
Brev. Parl. 26.
Ed. 1.
Bucks & Bedford.

In the 26th of [3] Edward the 1st, the Sheriff of Buckinghamshire made this return in the dors of the writ. *Nulli sunt Cives, nec Burgenses in Comitatu prædicto, nec Civitas, nec Burgus propter quod Cives nec Burgenses coram vobis venire facere non possunt.* There are no Citizens nor Burgeses in the County aforesaid, nor City, nor Burgh, for which cause I cannot make Citizens or Burgeses to come before you.

[4] Return.
Brev. Parl. 28.
Ed. 1.
Bucks, &c.

In the 28th of that King, the [4] Sheriff returned for Agmundesham, Wicomb and Wendover, two Burgeses for each, which were elected by those Towns or Burghs.

[5] Ibid 30.
Ed. 1.
Bucks, &c.

In the 30th of the same King, there were only [5] two Burgeses returned for Wicomb, and none for Agmundesham or Wendover.

[6] Ibid. 12.
Ed. 2.
Bucks, &c.

In the First and Second of Edward the Second, the then Sheriffs [6] returned two Burgeses for Wicomb, two for Wendover, two for Agmondesham, and two for Great Marlow.

[7] Ibid 6.
Ed. 2.
Bucks, &c.

In the 6th of Edward the Second, Parliament at [7] Woodstock, July 20th, the Sheriff made this return, *Nullæ sunt Civitates in Comitatu Bucks, nec ullam Burgi præter in Villa de Wicomb.* There are no Cities or Burghs in the County of Buckingham, except in the Town of Wicomb.

In

In the 12th of this King, [8] Wicomb is only returned as a Burgh, and Burgesſes for it in Buckinghamſhire, and in the cloſe of the return, *Nulla eſt Civitas nec plures Burgi, in Balliva mea*. There is no City or more Burghs in my Bailiwick; and fo no other Burghs were returned in this country, until after the reign of Edward the Fourth, or the Parliament in 1641. And there are many omiſſions of very many other inconfiderable Burghs, for 100, 150, 200, 250, 300 or more years, grounded upon the like returns, ſome of which ſent Burgeſſes, but once or twice, before the years, 1640 and 1641.

[8] Ibid 12.
Ed. 6.
Bucks, &c.

In the 21ſt and 22d of Edward the Third, after the [9] return for Knights of the Shire, for Glouceſterſhire, and Burgeſſes for Glouceſter and Briſtol, the Sheriff returns, *Non ſunt plures Burgi ſeu Civitates in Balliva mea*, that there were no more Cities nor Burghs in his County.

[9] Ibid 21.
22. Ed. 3.
Gloceſterſhire.

In the 11th, 17th, and 22d of Edward the Third, after Knights for the County, and only Citizens for Worceſter, the [1] returns were the ſame as in Glouceſterſhire.

[1] Ibid. 11. 17.
22. Ed. 3.
Worceſterſhire.

And ſo it was in [2] Yorkſhire, Lincolnſhire, Cornwall, Dorſet, Devon, Somerſet, Southampton, Surry, Suffex, and moſt, if not all Counties in England, where there were, at the time of the returns, any ſmall, poor, inconfiderable Burghs, and where the Sheriffs were more or leſs kind to them, they returned or omitted them at pleaſure, and for all whatever I could find, notwithſtanding all my endeavour, without the direction of the King or his Council,

[2] See Returns of theſe ſeveral counties.

[3] Stat. at
large, 5. Rich.
2. cap. 4. p. 169.

In the 5th of Richard the Second, there was a law made, [3] that if any Sheriff of the Realm should be from thenceforth negligent in making his return of writs of the Parliament, or that he should leave out of the said returns any Cities or Boroughs, which be bound, and of old time were wont to come to the Parliament, he shall be punished in the manner as was accustomed to be done in the said case in the said time past. But notwithstanding this law, the practice of the Sheriffs remained the same it was before, as will be proved by what shall in part next be said concerning the meaning and reason of these returns.

When the Sheriffs made their returns, there was not any, or more cities and burghs in such or such counties, than for which they had returned Burgeses, no man can believe they were so ignorant, as not to know there were other burghs, or more than they had returned Burgeses for, and therefore some other than the very literal meaning of those words must be found out.

The reason of
the returns of
non sunt plures
Burgi, &c.

And to my apprehension, the reasons (which also shew the meaning) of these returns, in these words, *Non est aliqua Civitas, vel aliquis Burgus, or non sunt plures Civitates, vel Burgi* (than what were returned) *in Balliva mea*, was for that many times, there was no able, fit, persons for that service to be found in the other burghs of the county, at the time of the return. (The choice being always made in those days out of their own body, and not of foreigners or country gentlemen). And secondly, for that the Burghs were so poor as they were not able to pay the Burgeses their wages or expences.

This

This assertion seems to be manifestly evinced by some other returns made in different words, though of the same sense and import, [4] in the 21 Ed. 3. after the Burgesſes returned for Exon, Barnſtadle, Plympton, Tavylſtock, Toryton and Totnes. The Sheriff of Devonſhire cloſeth his return with theſe words, *Non ſunt plures Civitates vel Burgi in Balliva mea quæ retornari poſſunt*. There are not any more cities or burghs in my bailiwick, which can be returned, omitting all other burghs in that county, by theſe words it ſhould ſeem, that either there were no burgesſes fit or qualified for the ſervice of parlement in the other burghs, or that they were ſo poor as that they could not bear the expences of ſuch as ſhould ſerve for them, for the Sheriff denies not that there were more burghs in his county, but affirms there were ſuch as could not be returned, and if not for theſe, 'tis hard to imagine, for what other reaſons they were ſuch.

[4] Return.
Brev. Parl. 21.
Ed. 3.
Devon.

In the [5] returns for Worceſterſhire in 8 and 12 of Ed. 2. and 12, 14 Ed. 3. the Sheriff ends them thus, after the returns of Knights for the county, and ciſtens for Worceſter, *Non eſt aliquis Burgus in Balliva mea, unde aliqui ſunt Burgenſes qui ad dictum parlamentum venire poſſunt*, there is not any Burgh in my Bailiwick, whence any Burgesſes can come to parlement. For the reaſons without doubt above-mentioned. Though Wyche (now Droitwich) had ſent Burgesſes to Parlement, 26. 28. 29. 30. of Ed. 1. and in 2. and 4. Ed. 2. and in 28. and 29. Ed. 1. they received their expences, as appears by the writs, *de expenſis militum, civium & burgenſium*, then directed to the bailiffs of that town, and are to be found in the cloſe rolls in thoſe years.

[5] Ibid. in
theſe years.
Wigorn.

[6] Ibid. in
those years.

In the 27. 28. 29. 33. of Hen. 6. the sheriffs of [6] Yorkshire, after the return * only of the Burgesſes for Scardeburgh conclude thus. *Et non ſunt aliquæ civitatus, vel aliqua civitas, nec plures Burgi in comitatu eborum, unde aliquis civis, seu plures Burgenſes ad parlamentum prædictum ad præſens venire facere poſſum.* And there are not any cities, or city, or more Burgs in the county of York, from whence I can make any citiſens, or more Burgeſſes at preſent come to the aforeſaid parlement. I ſee not what could be a temporary reaſon why at that preſent the ſheriff of Yorkſhire, could not cauſe more Burgeſſes to come to thoſe parlements, from other Burghs than Scardeburgh, except one or both of thoſe abovementioned.

[7] Ibid. 29.
Hen. 6.
Norff. &
Suff.

In the 29 Hen. 6. only citiſens [7] for Norwich, Burgeſſes for Lin and Yarmouth returned for Norfolk, and only for Ipſwich and Donewick for Suffolk.

[8] Ibid. 28.
Hen. 6.
Cornwall.

In [8] Cornwall; 28th of the ſame king, Burgeſſes returned only for Launceſton, Laſkard, Bodmin, Loſtwithiel, Truro, Helheſton, and then follows, *Nulle ſunt civitates infra ballivam meam, nec ſunt plures Burgi infra Ballivam meam.*

[9] Ibid. 28.
Hen. 6.
Devon.

In [9] Devon, the ſame year Burgeſſes returned only for Exon, Dartmouth, Totnes, Plimouth, Plimpton, Taſtock, Barnſtable.

* York was then a city and county, and ſo the writs for citiſens were directed to, and returned by the ſheriffs of that city, and Hull was then alſo a town and county, and the writs were directed to, and returned by the ſheriffs of that town.

In

In the 26th of Ed. 1. after the Knights of the shire [1] Ralph Fitz-Thomas and William le Chantour were returned for the town of Lancaster, and Adam Fitz-Ralph, and Adam de Biri for Preston.

[1] Ibid. 26.
Ed. 1.
Lancashire.

In the 8th of Ed. 2, only [2] Knights of the shire returned, no Burgeffes for any Burghs.

[2] Ibid. 2.
Ed. 2.
Lancashire,

In the 19th of Ed. 2. for [3] Lancaster, William Laurence, John Brokeholes, no return then for Preston, and the words of the sheriffs return are *Non sunt aliqua civitates in dicto comitatu nec Burgi præter Lancaster in balliva mea*, there are no cities in the said county, nor Burghs, beside Lancaster in my bailywick.

[3] Ibid. 19.
Ed. 2.
Lancashire.

In the 1. * of Ed. 3. at the parlement at Lincoln, that year John le Ken, and Laurence de Bulke were returned for Lancaster, and John Starkey and Henry Banaster for Preston, and no returns for other Burghs.

* Return.
Brev. Parl. 1.
Ed. 3.
Lancashire.
He began his
Reign January
25th A. D.
1326.

In the * same year at the parlement at York, Nich. de Lancaster and Henry Burgeis were returned for Lancaster, but none for Preston or any other Burgh.

* Ibid. Eodem
Anno.

In the * second of the same king, in the parlement at Northampton three weeks after Easter. The writ of summons dated 5. Martii. John de Burghton, sheriff. Adam Fitz-Simon, John le Ken, were returned for Lancaster, and then the return was thus closed. *Non sunt aliqua civitates vel Burgi in balliva mea præter Burgum Lancaster.* There are no cities and Burghs in my Bailywick,

* Ibid. 2. Ed. 3.
Lancashire.

except the Burgh of Lancaster. No return for Preston this parlement,

* Ibid Eodem Anno.

In the * same year of the same king, in the parlement at New Sarum on Sunday next after fifteen days after Michaelmas, the writ of summons dated 26 Augusti, and the same John de Burghton sheriff, John le Ken, and Robert de Bolleroun were returned for Lancaster; and for Preston, William Fitz-Paulin, and Nich. de Preston, and then the return ends thus, *Non sunt aliquæ civitates in balliva mea*. There are no cities in my Bailiwick.

† Ibid. 4. Ed. 3. Lancashire.

In the † 4th of Edward the third, in the parlement at Winchester on the Sunday next before St. Gregory, the writ of summons dated 25 *Januarii*, John de Denom sheriff, William de Bolleroun, John de Bulke returned for Lancaster, but no Burgeßes returned for Preston, nor doth the return end with *Non sunt alii Burgi, &c.*

† Ibid the same year.

In the † same year of the same king, in the parlement at Westminster on the Monday before the feast of St. Katherine, (i. e. November 25th) the writ of summons dated 23 *Octobris*. The same John de Denom sheriff, Robert de Bolleroun and John de Ken were returned for Lancaster; and William Fitz-Paulin and Henry Haydoke for Preston, and then the return is thus concluded, *Non sunt alii Burgi in Balliva mea*.

† Ibid. 34. Ed. 3. Lancashire.

In the † 34th of Edward the third, the writ of summons dated the 20th of November, for a parlement to be held at Westminster on the Sunday before the Conversion of St. Paul was directed to Henry

Henry Duke of Lancaster, or his deputy, who made this return, *Henricus Dux Lancastrie sic respondet. Nomina militum ad respondendum, faciendum, & consentiendum in præsentī parlamento prout idem brevis requirit pro communitate dicti Ducatus, Willielmus de Radecliffe, Ricardus de Tounkay. In eodum Ducatu non est aliqua civitas, nec Burgus qui ante hæc tempora, in aliquo Parlamento respondit per Burgeses.* Henry Duke of Lancaster answereth thus, The names of the Knights who are to answer, do and consent in the present parlement, for the community of the said Dukedom, as the same writ requires, William de Radcliffe, Richard de Tounkay. There is not any city in the same Dukedom, nor Burgh, which before this time answered in any parlement by Burgeses. It wants not probability, that from the 4th of Edward the Third, to this 34th of the same, there might be thirty years intermission and omission of Burgeses for these Burghs, (in all that time there being no return of Burgeses for this county,) which might be the reason of this return.

In the 38th of this King, the [4] sheriff of Lancashire after the return of the Knights, gives the reason why citisens and Burgeses ought not, nor were wont to come, in these words: *Et non sunt aliqui civitates seu Burgi infra comitatum de quibus aliqui cives seu Burgenfis ad dictum parlamentum venire debent seu solent, propter eorum debilitatem seu paupertatem.* That there were not any cities, or Burghs, within that county, from which any citisens and Burgeses ought, or were wont to come to the said parlement, for, by reason of their inability or Poverty,

4 Ibid. 38.
Ed. 3.

In

[5] Ibid. 39.
Ed. 3.

In the 39th of Edward the Third, the return is [5] *Non est aliqua civitas seu aliquod Burgum de quibus aliqui citius seu Burghenses venire possunt seu solent secundum temporem brevis propter eorum debilitatem & paupertatem.* There is not any city or any Burgh from which any citifens or Burghesses, can or were wont to come, by reason of their low condition or poverty. The same words are in the 50th of Edward the Third. And the returns of this county are closed after this manner with some small variation, in the reigns of Edward the Third, Richard the Second, Henry the Fourth, Fifth, and Sixth, and Edward the Fourth, and no Burghesses returned for any town or towns in all that time from the 33d of Edward the Third, which was 124 years, and how much longer it cannot well be known.

[6] Ibid. 10.
Hen. 4.

In the 10th of Henry the Fourth, there was this return made after the Knights, &c. [6] *Et non sunt aliqui cives aut Burghenses infra dictum Comitatum Lancastrie qui ad dictum Parlamentum venire possunt propter eorum paupertatem & debilitatem.* The same return is word for word in the 2d of Henry the Fifth.

[7] Ibid. 7. 25.
28. 33. H. 6.
Lancashire.

In the 7th, 25th, 28th, 33d of Henry the Sixth, The returns were with this small variation. [7] *Et not est aliqua civitas infra comitatum prædictum nec Burgus qui ad aliquod parlamentum temporibus retroactis aliquos cives aut Burghenses BITTERE solebant propter eorum paupertatem & debilitatem, ideo de civibus & Burghensibus nulla fit mentio.* And there is not any city within the county aforesaid, or Burgh, which

which used to send any Burgesſes or Citifens, to any parlement in former times, by reaſon of their poverty and inability. Therefore no mention is made of Citifens or Burgesſes.

In the 27th of Henry the Sixth. The return after the knights names, is ſomewhat different from others. [8] *Et non eſt aliqua civitas infra comitatum prædictum nec Burgus qui ad aliquod parlamentum temporibus retroactis aliquos civis aut Burgenſes ſolebant, INVENIRE propter eorum debilitatem & paupertatem, ideo, &c.* And there is not any city within the county aforeſaid, or Burgh, which in former times were wont to FIND Citifens or Burgesſes in any parlement by reaſon, &c.

[8] Ibid. 27.
Hen. 6.
Lancashire.

In the 17th of Edward the Fourth, on the dors of the writ of ſummons for election of two Knights for the county, two Citifens for every city, and two Burgesſes for every Burgh, in the return after the indorſement of the Knights for the county and their manucaptors, it follows: *Et quia non eſt aliqua civitas infra comitatum prædictum, aut Burgus qui ad aliquod parlamentum temporibus retroactis aliquos cives aut Burgenſes mittere ſolebant propter eorum paupertatem & debilitatem, coram Domino Rege & Conſilio ſuo, ideo de civibus & Burgenſibus non eſt mentio.* And becauſe there is not any city within the ſaid County or Burgh which in former times ſent any Citifens or Burgesſes to parlement before the King and his Council by reaſon of their poverty and inability, therefore no mention is made of Citifens and Burgesſes. The ſame words are in the ſheriffs indenture of return of Knights of the county

county annexed to the sheriffs precept, and the same returns were in the 7th and 12th years of this King.

* Return.
Brev. parl. 7.
Ed. 4.

In the seventh of Edward the Fourth, (who began his reign March 4th A. D. 1461.) in the parlement at Westminster on the Third of June, the * writ of summons dated February 28. in the sixth of his reign, Henry Barle sheriff of Essex and Hertfordshire, after the returns of Knights for each county, and Burgeses only for Colchester and Maldon, adds this clause; *Et in prædicto comitatu Hertford non est aliqua civitas, nec aliquis Burgus, unde aliqui cives sive Burgenfes, nec aliqua civitas, neque plures Burgi in dicto comitatu Essex, unde plures Burgenfes neque aliqui cives eligi possunt.* That is,

And in the foresaid county of Hertford, there is not any city, or any Burgh from whence any citifens or Burgeses may be chosen. Nor is there any city, or more Burghs in the said county of Essex from whence any citifens, or more Burgeses may be chosen.

Hertford.

The town of Hertford sent Burgeses to parlements 18 times; see bundles of writs and returns in the Tower, and Pryn's fourth part of a brief register of parlement writs, p. 1002. but since the 7th of Hen. 5. for the space of 20 years, sent none, untill the 22d of King James the First, notwithstanding it was the Shire-town. By an extent of the castle and town of Hertford, with their appurtenances, made on Saturday in Easter-Week, in the 5th of Edw. 3. and still in † being under seal, it appears, the Castle of Hertford and the Burgh there,

† In Archivis
Villæ,

there, were holden in capite of the King. † *Juratores dicunt super sacramentum suum, quod castrum de Hertford & Burgus ibidem tenentur in Capite de Domino Rege, &c.* The Bayliff and Under Bayliff, and all other officers, were chosen every year by the community of the town in the next court after Michaelmas, and the chief Bayliff was allowed by the King twenty shillings every year for a gown or livery. The porter of the castle was put in by the King, and had of him for his wages two pence a day. * *Juratores dicunt, quod Ballivus Villæ de Hertford debet eligi per communitatem ville, & faciant electionem suam quolibet anno in proxima curia post festum Sancti Michaelis tam de Ballivo, & sub-ballivo, quam de omnibus aliis officiariis & capitalis ballivus habet de domino rege per annum 1 l. pro roba sua, &c.*

† In Extent. ib. The Castle and Burgh of Hertford, holden in Capite of the King. Ibid.

By these few returns and instances, of very many more which might have been produced, if needful, 'tis abundantly proved; That from the 23d of Ed. 1. when the first writs were sent forth for the choise of citifens and Burgesfes, and also during the reigns of Edw. 2. and 3. Rich. 2. Hen. 4. 5. and 6. and Edw. 4. it was left to the discretion and judgment of the sheriffs, which Burghs were fit and able to send Burgesfes, and which not. And that if ancient able Burghs became poor and indigent, and unable to pay the expenses of their Burgesfes, or had none fit to chuse, it was a just ground for the sheriff to excuse them from the trouble and charge of electing and sending Burgesfes, notwithstanding the statutes 5 Rich. 2. c. 4. 1 Hen. 5. c. 1. 8 Hen. 6. c. 7. 23 Hen. 6. c. 15. And also, that the plain negative returns, of *Non sunt aliqui civitates vel Burgi in Balliva mea*, or *Non sunt*

The first Writs sent for the Choice of Citifens and Burgesfes.

Sheriffs Judges of what Burghs were fit and able to send Burgesfes, and what not.

The reason and meaning of Sheriffs negative returns.

sunt plures civitates vel Burgi in comitatu prædicto, &c. are to be explained by those other returns of *Non sunt aliqua civitates, vel aliqua civitas, nec plures Burgi*, (in this or that county) *unde cives vel Burgenſes venire facere poſſum, or unde cives & Burgenſes venire poſſunt, vel venire debent, vel venire ſolebant*, and other different expreſſions before mentioned. *Propter debilitatem eorum & paupertatem.* Thoſe abſolute negatives in terms only, being equivalent in ſignification to the other, and import no more than, that thoſe Burghs the ſheriffs did not return, at ſuch times, were poor and inconfiderable, and that either they had not fit perſons to ſend, or for their poverty could not pay their wages, or bear the expences by law due to them. And all this was done by virtue of the general claufe in the writs, *De qualibet civitate duos cives, & de qualibet Burgo duos Burgenſes, &c.* For in the charters of ancient Burghs, there was no claufe or grant for the choice or ſending of Burgeſſes to parlement, nor have I ever ſeen or heard of any particular directions from the King and Council, or others, to the ſheriffs, for the ſending their precepts to this or that Burgh only, and not to others.

No complaint made by the Burghs of Sheriffs for not ſending precepts to elect Burgeſſes, &c.

I ſhall finiſh the answer to the firſt queſtion with this remark ; That the Burghs during the time of all theſe Kings reigns, never complained of the ſheriffs for not returning them Burghs, or not ſending precepts to them, or taking away their birth-rights. Nor did they clamor againſt hard uſage, or injuſtice. Nor did the King, Lords, or Commons in parlement, ever blame, complain of, or queſtion the ſheriffs for ſending, or not ſending precepts to this, or that Burgh ; to all, or any of them,

them, and making returns accordingly. Nor was it accounted an advantage, honor, or privilege, to be bound to send Burgesſes to parlement, but rather on the contrary, it was reputed a burthen and a grievance for poor and ſmall Burghs to ſend them, as in the caſe of [9] TORITON in Devonſhire, that petitioned the King in parlement to be diſcharged of ſending Burgeſſes to Parlement, ſuggeſting it was great trouble and charge, and to their manifeſt damage and depreſſion, and their petition was granted, and the town or Burgh exonerated and excuſed for ever after, notwithſtanding it had ſent Burgeſſes thirty two times before.

[9] Pat. 42. Ed. 3. part. 1. m. 3
Torriton in Devonſhire diſcharged from ſending Burgeſſes.

The ſecond queſtion, who were or ought to be the electors in real or pretended Burghs, hath much exerciſed the Houſe of Commons, (ſince they have taken upon them to determine thoſe caſes) and perhaps there hath ſcarcely been given a direct and true ſolution of it to this day. In the 22d of King [1] James in a conteſt between Sir William Maſters, and Sir Maurice Berkley, upon an election made at Cirenceſter in Glouceſtershire, upon the queſtion it was reſolved, that no conſent of parties, competitors, can alter the legal courſe of elections. That where no charter or cuſtom to the contrary, the election to be made by all the houſholders; that Sir William Maſters duly elected, that he had the greater number of inhabitants and freeholders; and that where † neither charter nor cuſtom nor free Burgeſſes in any Borough, there the election to be made by houſholders, and not only freeholders.

[1] Commons Journal, die veneris 21 Maii 22 Jacobi. A. D. 1624.

Where no charter or cuſtom, how elections to be made?

† i. e. in truth where there is not, nor can be a Burgh.

In

[2] Commons
Journal. venci-
ris 28 Martii
4 Car. 1. A. D.
1628.

In the 4th of King [2] Charles the Firſt, report
made from the committee of priviledges, (now the
committee of elections) by Mr. Hackwill.

Two Elections,
one by the
Mayor, Alder-
men, and Com-
mon Council,
the other by the
common ſort of
Burgeſſes.

Colcheſter, one only return made by the bailiffs,
in which Sir Thomas Cheek, and Mr. Alford re-
turned. That the Bailiffs, Aldermen, and Com-
mon Council, conſiſting of forty two in an
upper room, read the writ and there elected Sir
Thomas Cheek, and Mr. Alford. In a lower
room the common ſort of Burgeſſes in general,
elected Sir Thomas Cheek, and Sir William
Maſham.

An inſufficient
preſcription.

That the bailiffs, &c. made their preſcription,
by election, as they now made it. Againſt this
alleged, that till Richard the Firſt, no bailiffs, nor
then, no common council, till Edward the Fourth
then ſixteen appointed by a new charter, which by
conſtitutions ſince thence they have increaſed to —

Upon this the preſcription holden inſufficient,
that the committee is alſo of opinion, that the
election of Sir William Maſham is good, and
his name to be put in by the bailiff inſtead of Mr.
Alford.

Upon queſtion Sir William Maſham duly
elected, and his name by one of the bailiffs was in-
ſerted at the board, inſtead of Mr. Alford's.

[3] Commons
Journ. Sabb. 12
April 4. Car. 1.
1628. Whether
the Commons or
chief Burgeſſes,
Electors.

Mr. Hackwell [3] reported from the committee
of priviledges the caſe of the Burgh of Bridport.
The queſtion whether the commons or the two
Bailiffs

English Burghs, or Bourroughs.

Balliffs and thirteen capital Burgesses are electors. There the last claiming by prescription the sole power, this proved by two witnesses for forty six years, *primo Jacobi* claimed it, but were denied.

A certificate of disclaimer under the hands of 80 commoners offering to justifie it upon oath, and affirmed they could have proved it by forty commoners more.

On the other part records produced the 6th of Edward 6. indenture returned the election to be *per ballivos per assensum communitatis*, 2. & 3. Philip. & Maria election accordeth, 1 Eliz. accordeth, 1 Jacobi accordeth. This also proved by two witnesses, above 40 commoners gave voices *primo Jacobi*. Another that above 60 years ago the commoners had voice, and that he himself, then a commoner, gave voice.

These the very words of the Journal.

Replied to this, that the addition of the commonalty, because that the name of the corporation, that so they make their leases, yet the commoners never meddle.

And these.

Exception to one of the witnesses, that he, a commoner, and very aged man, scarce could hear, or be heard; that the other have been disfranchised, and therefore spake out of spleen.

And these, and so to the end of this case.

Alledged for them, that *primo Jacobi* the commons called, because they were to contribute towards wages.

K

Agreed

A T R E A T I S E of

Agreed by the major part of the committee, that the commoners had voice in election.

Resolved also here no good election, because the commons having right of voice, had no warning as they ought to have had.

Resolved upon the question, the commonalty in general ought to have voices in the elections of the Burgesſes for parlement.

Upon the question, the election void in respect of the want of warning to the commonalty.

A new writ for a new election.

[4] Commons
Journal, Jovis
3 Mail,
4 Car. 1. 1626.

Mr. Hackwill [4] reporteth from the Committee of Privileges the case of Boston in Lincolnshire, Mr. Bellingham the Recorder, and Mr. Okeley chosen.

* He of my own
knowledge a
friend to the
cause.

The question, whether a select number, or the commonalty were to chuse. Sir * Anthony Irby chosen by majority of voices of the commonalty, and 14 of the select number.

Voted to whom
the right of
election belongs
in all Burghs.

Agreed by the committee, that the election of Burgesſes in all Boroughs did of common right belong to the commoners, and that nothing could take it from them, but a prescription and a constant usage beyond all memory.

1. Upon the question, the right of election for Burgesſes to serve in parlement for Boston, resteth in

in the commonalty, and not in the Mayor, Aldermen, and Common Council.

2. Upon the question, Mr. Okeley not duly elected or returned.

3. That Sir Anthony Irby duly elected, and ought to have been returned.

4. That the Mayor of Boston shall be sent for, to put out Mr. Okeley's name, and put in Sir Anthony Irby's.

Mr. Hackwill [5] reporteth from the Committee of Privileges the case of Warwick. Question, whether the election to be made by the Mayor, and Common Council, or by the commons in general? That a petition produced whereby above 200 commoners **DISCLAIM** to have any right of election. But that refused to be accepted by the committee, because if but one commoner appear to sue for his right, they will hear him.

[5] Commons
Journ. Sabbat.
ultimo Maii,
4 Car. 1. 1628.

The case of
Warwick.

1. Upon the question, the right of election for the town of Warwick belongs to the commonalty.

2. That Mr. Robert Grevill and Mr. Francis Lucy **UNDULY** elected.

3. A new writ to issue for a new choice in their rooms.

By these five instances it appears how perplex and conjectural the opinions of the committee, and

K 2

resolves

resolved of the House of Commons were, concerning the right of electing of Burgesſes to ſerve in parlement, and the perſons in whom it was lodged. They judged, the communities or commonalties of Cities and Burghs to be only the ordinary and lower ſort of citiſens, Burgeſſes, or Freemen in general. And that the right of election of Burgeſſes in all Burghs did of common right belong to the commoners (meaning) the ordinary ſort of Burgeſſes or Freemen, and not to the Mayor, Aldermen, and Common Council, as in the caſes of Boſton, Colcheſter, and Warwick, nor in the Bayliſſs and capital Burgeſſes, being a ſelect number, as in the caſe of Bridport.

[4.] Ibid. Jovis
20 Martii,
3 Car. 1. 1627.

The Communi-
ties or Com-
monalties of
Cities and
Burghs are the
governing part
of them.

The ground of this popular error was, that this committee (notwithſtanding the two great antiquaries [4] Sir Robert Cotton, and Mr. Selden, and the Oracle of Law (ſo called) Sir Edward Coke, were Members of it) did not truly underſtand the meaning of the words *Communitates civitatum, & Burgorum*, the commonalty of Cities and Burghs; which always ſignified the Mayor, Aldermen, and Common Council, where they were to be found, or the Steward or Bayliſſ, and capital Burgeſſes, or in ſhort the governing part of cities and towns, by what perſons ſoever they were governed, or names and titles they were called and known, which hath been ſufficiently evinced by what hath been ſaid before in this treatiſe, upon that ſubject. So that, if the communities of Cities and Burghs had been truly underſtood, the committee ought to have determined, and the Houſe reſolved, that the right of election in very many, if not in moſt, or all Cities and Burghs, ought to have reſted in the governing part of them, which is always a ſelect number.

And

And therefore I shall produce many instances from the returns of parlement writs upon record, to confirm this opinion.

In the 26th of Edward the First, in most Counties, Cities, and Burghs, the Knights, Citifens, and Burgesſes are only named with their manucaptors, or ſureties, in the dors of the writ, as for example. [5] *Nomina duorum militum comitatus Hereford*, with each of them four manucaptors, there named. *Nomina duorum civium civitatis Hereford*, with each two manucaptors or ſureties there named. *Nomina duorum Burgenſium de Burgo Leominſter*, with each two manucaptors, there named; but not ſaid by whom elected, and ſo in many others, with ſome, not very material, variation.

[5] Return. Brev. Parl. 26. Ed. 1. The ſiſt returns extant.

Yet in ſome, the elections are ſaid to be made by the Bailiffs, with the aſſent of the community, or for the community of the Burghs. So the choice was made for the town of Derby, *Et breve* [6] [6] *Ibid.* *iſtud reſignatum fuit Willielmo Oyler, ballivo libertatis villæ Derby, qui plenum returnam brevis habet pro duobus Burgenſibus ejusdem villæ, & mihi reſpondit, quod elegit aſſenſe communitatis totius villæ prædictæ magiſtrum Willielmum Broun de Derby, & Nicholaum Latimer de eadem.* And that writ was returned to William le Oyler BAILIFF of Derby, who hath full return of the writ for two Burgesſes of the ſame town. And he answers me, he hath choſen by the aſſent of the community of the whole town aforeſaid, Maſter William Broun of Derby, and Nicholas Latimer of the ſame, who have two manu-

[7] Ibid.

captors for each returned. In like manner for the town of Nottingham. *Et breve istud [7] retornatum fuit ballivis, &c. Qui michi responderunt quod elegerunt assensu communitatis villæ prædictæ Johan. le Fleming de Nottingham, Adam le Fleming de eadem,* and that writ was returned to the bailiffs of the liberty of Nottingham, &c. Who answer me, that they have chosen by the assent of the commonalty of the town aforesaid, John the Fleming of Nottingham aforesaid, and Adam the Fleming of the same, who found each two sureties for their appearance in parlement. So two Burgeses chosen, [8] *pro communitate Burgi Colcestre*, for the community of the Burgh of Colchester, with four manucaptors or sureties each, likewise, [9] *Johannes de Westreet de Hertford Simon Walle de eadem, electi sunt duo Burgeses per Communitatem Burgensium Hertford, &c.* And gave security for their appearance by four manucaptors each,

[8] Ibid.

[9] Ibid.

[1] Ibid.

Accordingly two Burgeses were elected for the community of the Burgh of Newcastle upon Tyne, with their names and manucaptors names in a schedule. *Nomina [1] Burgensium pro communitate Burgi Novi Castri super Tinam, sunt in cedula huic brevi annexa.*

Boston.

[e] Retorn.
Brev. Parl. 27.
Ed. 3.

In the 27th of Edward the Third, that King directed his writ to the bailiffs of the town of Boston in Lincolnshire. *Edwardus [2] Dei Gratia, &c. Ballivis villæ de Sancto Botolpho, &c.* And then after the introduction to, and causes of the precept itself, which follows in these words: *Felus præcipimus*

*pimus firmiter injungentes quod duos Burghenses de pro-
vectioribus, & discretioribus, & magis expertis Burgen-
sibus villæ prædictæ, de assensu ejusdem villæ sine dila-
tione eligi, & eos ad diem & locum prædictos venire
faciatis, ita quod iidem Burghenses pro se & communitate
villæ prædictæ sufficientem protestatem habent, ad
tractandum, consulendum, & consentiendum his quæ
tunc divina favente clementia de communi consilio conti-
gerit ordinari, &c.* We command, firmly enjoyn-
ing you, that without delay you cause to be chosen
two Burghesses, of the more grave, discreet, and
experienced Burghesses of the town aforesaid, by the
assent of the same town. So that the same Bur-
ghesses may have sufficient power for themselves and
the community of the town aforesaid to treat,
consult of, and consent to those things, which, di-
vine clemency favouring, shall happen to be or-
dained by common advise, &c.

The return in the dors of the writ was an-
swerable to the words of the precept of this writ.
Respons. [3] *Johannis de Morys, & Ricardi de* [3] *Ibid.*
Rede Ballivorum Villæ de Sancto Botolpho.

*Manuceptores Johannis de Skirbek de Sancto Bo-
tolpho unius Burghensum villæ de Sancto Botolpho, de
assensu ejusdem villæ electi ad tractandum, consu-
lendum, & consentiendum secundum tenorem hujus
brevis.*

Thomas de Tumby de Sancto Botolpho.
Johannes de Gosberkirk de eadem.

Manuaptors or Sureties of John de Skirbek of
Boston, one of the Burghesses of Boston, chosen by

K 4

assent

A T R E A T I S E of

assent of the same town, to treat, consult, and consent according to the Tenor of this writ,

Thomas de Tumby of Boston,
John de Gosberkirk of the same.

The same return, and in the same words, is for William Bayard, the other Burgeses with two manucaptors. This town of Boston never elected, or returned any Burgeses during the residue of this King's reign, nor in the reigns of Richard the Second, Henry the Fourth, Fifth, Sixth, and Edward the Fourth.

Bristol.

[4] Ibid.

In the writ directed to the Mayor and Bailiffs of Bristol to choose Burgeses for the same Great Council, the precept is the same. [4] *Vobis precipimus firmiter injungentes, quod duos Burgeses de provectioribus, & discretioribus & magis expertis Burgensibus villæ prædictæ de assensu ejusdem villæ sine dilatione eligi, & eos ad diem & locum prædictos venire faciatis. Ita quod iidem Burgeses pro se & communitate villæ prædictæ sufficientem potestatem habent, &c.* As in the former writ for Boston.

[5] Ibid. in Cedula.

To the precept of this writ, the following return was made. [5] *Virtute brevis domini regis præsentibus annexi, nos major & ballivi villæ Bristol, de assensu communitatis villæ prædictæ eligi facimus Thomam Babbecary, & Willielmum Coumbe de assendo ad diem & locum. infra breve contentos ad faciendum quod ex parte domini regis eis tunc ibidem injungetur.* That is,

By virtue of the King's writ annexed to these presents; we the Mayor and Bailiffs of the town of Bristol,

Bristol, by assent of the community of the town aforesaid, have caused Thomas Babbecary and William Combe to be chosen, to be at the time and place contained in the writ, to do what on the behalf of the Lord the King, shall then, and there be enjoined them.

It appears by this writ and return, that the words *assensus ville*, and *assensus communitatis ville*, signified the same thing; and that as the community of the town, so the town itself, government of the town, and body politique were, and did consist of a select number.

The words of the writ directed to the Mayor and Excester. Bailiffs of Excester for the choice of Burgeses for this great Council, are the same with those of Boston and Bristol, [6] *Vobis præcipimus firmiter injungentes* [6] *Ibid.* *quod duos Burgheses de provectioribus, discretioribus, & magis expertis Burghensibus civitatis prædictæ, de assensu ejusdem civitatis sine dilatione eligi, &c. Ita quod iidem Burghenses pro se & communitate civitatis, &c. sufficientem potestatem habent, &c.* The return was, as hereunder written.

Roberti de Brideport [7] { *Johannes Spicer.* [7] *Ibid. in*
manucriptores { *Wilhelmus Wike.* *Dorso Brevis.*

Roberti de Hughton { *Willielmus Sleght.*
manucriptores { *Richard Oliver.*

Responsio [8] *Roberti de Brideport majoris civitatis* [8] *Ibid.*
Exon. & Ricardi Oliver & Thomæ Spicer ballivorum
eiusdem civitatis, ac communitatis civitatis prædictæ,
taliseß. Quod ipsi eligerunt prædictos Robertum de
Brideport, & Robertum de Hughton Burghenses
dictæ

dictæ civitatis, ad faciendum secundum tenorem istius brevis. In English thus :

The answer of Robert de Brideport Mayor of the city of Exon, and Richard Oliver and Thomas Spicer, Bailiffs of the same city, and the community of the city aforesaid, is such ; That they have chosen the foresaid Robert de Brideport, and Robert de Hugheton, Burgesses of the said city, to do according to the tenor of the writ.

The words of this return do illustrate the words of the former, and make it most evident, that the assent of the Mayor, Bailiffs, and Community of the city of Exon, which was the government of it, was the assent of the city itself.

The forms and words of the writ for the choice of citisens for the same great Council, directed to the Mayor and Sheriffs of the city of London, are the same. [9] *Vobis præcipimus, &c. Quod duos cives, &c. de assensu ejusdem civitatis sine dilatione eligi, &c.* The return was as follows,

[9] Ibid.
London.

[1] Ibid. in
Dorso Brevis.

Eligi [1] fecimus Thomam Leggy & Thomam Dolseley duos cives civitatis London de assensu ejusdem civitatis ad interessendum coram vobis in instanti consilio sufficientem potestatem pro se & communitate civitatis prædictæ habentes ad tractandum, consulendum, & consentidum his, quæ, divina favente clementia, de communi consilio tunc contigerit ordinari.

Et

English Burghs, or Bouroughs.

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Et prædictus Thomas Leggy attachiatus est per Radulphum de Cauntebrigge, & Johannem Herewardstoke.

Et prædictus Thomas Dolseley attachiatus est per Thomam Wilchir, & Rogerum de Reygate.

Responsio Adæ Franceys Majoris, & Johannis de Stodeye, & Johannis Pecche Vicecomitum. The return is thus made English :

We have caused to be chosen Thomas Leggy and Thomas Dolseley, two citisens of the city of London, by assent of the same city, to appear before you in the council next to be holden, having sufficient power for themselves, and the community of the foresaid city, to treat, consult, and consent to those things which by divine clemency shall happen to be ordained by common advice.

The foresaid Tomas Leggy hath given security for his being in parlement by John de Cantebrigge, and John Herewardstoke.

And the foresaid Thomas Dolseley hath done the same, by Thomas Wilchir, and Roger de Reygate.

The answer of Adam Franceys Mayor, and John de Stodeye, and John Pecche, Sheriffs.

What is here meant, by the assent of the city, and the power they had to treat for themselves, and community of it, and what the community itself was, hath been cleared by what hath been observed upon

upon the returns of Bristol and Exon; and is confirmed by the following record beyond all contradiction.

Retorn. Parl.
22 Ed. 2.
London.

Excellentissimo principi & domino sue carissimo domino Edwardo Dei Gratia illustrissimo regi Anglie Domino Hibernie & Duci Aquitanie Johannes de Wengrave Major Civitatis London. Aldermani, Vicecomites, & tota communitas ejusdem civitatis, se & sua. Noverint excellentia vestra nos assignasse dilectos concives nostros Johannem de Cherleton, Willielmum de Flete & Rogerum le Palmere vel duos eorum, ac eisdem vel duobus eorum plenam & sufficientem potestatem dedisse per presentes ad faciendum in hoc instanti parlamento vestro a die Sancti Michaelis ultimo preterito in tres septimanas apud Ebor. quod de communi consilio ordinabitur in parlamento predicto juxta formam brevis vestri nuper nobis inde directi. In cujus rei testimonium has literas nostras eisdem fieri facimus patentes. Sigilla communitatis nostre predictae signatas. Dat. London. Sextodecimo die Octobris, Anno Regni vestri duodecimo.

To the most excellent Prince, and their most dear Lord, the Lord Edward by the Grace of God the most illustrious King of England, Lord of Ireland, and Duke of Aquitain, John de Wengrave, Mayor of the city of London, the Aldermen, Sheriffs, and the whole Community of the same city, themselves and theirs. Your Excellency may know we have assigned our beloved fellow-citizens John de Cherleton, William de Flete, and Roger le Palmere, or two of them, and have given to them, or two of them, full and sufficient power by these presents, to do in this your instant parlement,

parlement, to be holden at York three weeks after Michaelmas, what shall be ordained in the foresaid parlement by common advice, according to the form of your writ lately to us directed. In witness whereof we have made these our letters patents, to be sealed with the seal of our community or commonalty aforesaid. Dated at London the 16th day of October, in the 12th year of your reign.

There can be no doubt, but what was called the city in the preceding record, was the same with the Mayor, Aldermen, Sheriffs, and whole community, or commonalty in this record.

The writ upon which this return was made, was dated at Nottingham, August 25th, and directed only to the Sheriffs of London, not to the Mayor, Aldermen, Sheriffs, and Community, as the return insinuates, and the precepts was only to choose two citizens, though there are three returned as chosen.

Edwardus Dei Gratia Rex Angliæ, &c. Vice-
comitibus London, Salutem. Quia pro diversis & ar-
duis negotiis nos & statum regni nostri specialiter tangen-
tibus parliamentum nostrum apud eorum a die Sancti
Michaelis proximo futuro in tres septimanas tenere ac
cum prælatis &c. Vobis præcipimus firmiter injun-
gentes quod de civitate nostra prædicta duos cives de
discretioribus, &c. Teste meipso apud Nottingham 25
die Augusti. Anna Regni nostri duodecimo.

Retorn. Brev.
parl. 12 Ed. 2.

Per ipsum Regem & Consilium.

In

York.
See the Returns
of parlement
writs for these
years.

In the Second of King Henry the Fifth, the Mayor of York and thirteen more Concives, fellow-citizens named in the return, *Plenam potestatem de tota communitate civitatis habentes, eligerunt duos cives idoneos, &c.* Having full power from the whole community of the city, chose two fit citizens, &c. In witness whereof they put their particular seals to the indenture of return.

Derby.
Fryn's Brevia
Parl. Rediviva.
p. 267.

In the indenture of return for the town of Derby in the twelfth of Henry the Fourth, after six of the electors names, which were of the community, it follows, *& per multos alios de communitate prædicti Burgi Derby, qui in Curia Burgi interfuerunt electi sunt duo Burghenses*, and by many others of the community of the Burgh of Derby, which were present in the Court of the Burgh, two Burghesses were elected, &c.

Ipswich.
Not to be found
amongst the Re-
turns of this
year.

In the second of Edward the Third, for the parlement at York, *Bailiffs & Communalte de la ville de Geppewic de nostre commun assent avons Eleus nous Comburgois Geffrei Stacy & Christopher Del Bois de estre pur nostre dit ville al parlement avundits, &c.* The Bailiffs and Commoners of Ipswich, by our common assent have chosen of our fellow Burghesses, Geofrey Stacy and Christopher Del Bois, to be for our said town at the parlement aforesaid.

Oxford.

In the second of Henry the Fifth, the Mayor, Aldermen, Bailiffs, and whole Community of the Burghesses of the town of Oxford, chose Burghesses for the parlement at Westminster. *Omnibus ad quos presentes literæ pervenerint, Major, Aldermani, Ballivi & tota Communitas, Burghensium ville Oxon. Salutem,*

Salutem, &c. Sciatis nos unanimi assensu & consensu nostris, &c. Elegisse dilectos Comburgenses nostros Johannem Merston, & Thomam Coventry essendum ad parlamentum, &c. In cujus rei Testimonium presentibus Sigillum nostrum commune apposimus dat. in Gihala villa prædictæ, &c. 2 Regis Hen. quinti.

In the twenty-fifth of Henry the Sixth, for a parlement to be holden at Cambridge, *Johannes North Major villæ Oxon. & Johannes Barton, & Thomas Wymond Ballivi ac tota communitas dictæ villæ eligerunt Thomam Dagfield & Robertum Watford Comburgenses suos, personas idoneos & discretos ad comparandum, &c. John North, Mayor of the town of Oxford, and John Barton and Thomas Wymond, and the whole community of the said town chose Thomas Dagfield and Robert Watford, their fellow Burgeffes, fit and discreet persons to appear, &c. In cujus rei testimonium hiis indenturis tam Sigillum Dictorum Majoris Ballivorum & dictæ communitatis, quam Sigillum Officii Vicecomitis Oxon. est appensum.*

Oxford.

The later return explains the former, and shews that the *communitas Burgensum villæ*, and *COMMUNITAS villæ*, was the same.

In the seventh of Edward the Fourth, the return was thus, *Præsens billa indentata facta, &c. Testatur quod Richardus Bustrad & Thomas Halman, Ballivi Burgi Oxon, & Cumburgenses Burgi prædicti ex unanimi assensu & consensu eligerunt Willielmum Bodsten & Willielmum Dayvile Burgenes essendi ad parlamentum,*

Oxford.

parlamentum, &c. The present bill indented made, &c. Witnesseeth that Richard Burstrad and Thomas Halman, Bailiffs of the Burgh of Oxford, and their fellow Burgessees of the said Burgh, by one assent and consent chose William Bedston and William Dayvile, Burgessees to be at the parlement, &c. *In ejus rei testimonium COMMUNE Sigillum apposuerunt, &c.* In witness whereof they put to the common seal, &c.

Bailiffs and
Fellow-Burges-
ses the same
with Bailiffs,
and Community
or Commonalty.

It is not to be otherwise thought, but the Bailiffs and fellow Burgessees were the same persons in this return, with the Bailiffs and Community of the town of Oxford in the others, and that the election was now made as formerly, notwithstanding the different expressions, and clerkship of the return; and that these *Comburgenses*, fellow Burgessees, were of the same rank and order, with the Mayor, Bailiffs, and Aldermen, before they had been chosen and promoted by, and out of their fellow Burgessees, and were not of the most ordinary and poor sort of Burgessees or Freemen, who never were ordinarily or regularly of the community or common council of the town or Burgh.

To confirm what hath been last said, I shall produce the returns of Wallingford in the eleventh of Henry the Fourth, and Fifth of Henry the Fifth.

Retorn. Brev.
Parl. 11. Hen.
4. In Pryn's
Brev. Parlemen-
tar. Rediviva,
p. 288.
Wallingford.

*Viso breve Domini Regis nos Johannes Derby, Ma-
jar Burgi Wallingford, & omnes ejusdem Burgi Com-
burgenses, Scrutinio veritatis eligimus, & ordinavimus
Johannem Cotterel, & Willielmum Cotterel, nostros
Burgenses*

Burgenses in peritiq. abiles, & honestos procuratores ad Westmonasterium ad parlamentum Domini Regis, ipsis conferentes nostram plenariam potestatem ad omnia & singula ibidem legalia facienda, & in testimonium ordinationis & electionis prefatarum, nos ante dicti Major, & prefati Burgi Combургenses huic indenturæ secundum dicti brevis exigentiam sigilla nostra apposuimus. Sicut patet in scriptura inferius nominatim.

Johannes Derby, Willielmus Arnegat, Thomas Swallowke, Rogerus Baker, Willielmus Morgan, Johannes Culham, Willielmus Essex, Johannes Payable, Robertus Colfil, Galfridus Littell, Johannes Breeewood, Robertus Dessont, Johannes Hert. The English of which runs thus :

Having seen the King's writ, we John Derby, Mayor of the Burgh of Wallingford, and all the fellow Burgesſes of the ſame Burgh, have by true ſcrutiny choſen and appointed John Cotterell and William Cotterell, our ſkilful Burgesſes, and honeſt Procurators in the parlement of the Lord the King at Weſtminſter, conferring upon them our full power to do there all and ſingular legal things : And in witneſs of the appointment and ordination aforeſaid, we the aforeſaid Mayor and fellow Burgesſes of the aforeſaid Burgh, according to the exigency or command of the ſaid writ, have put to our ſeals to this indenture, as it doth appear here underwritten name by name.

John Derby, William Arnegat, Thomas Swallowke, Roger Baker, William Morgan, John Culham, William Essex, John Payable, Robert Colfil,
L fil,

fil, Geoffrey Little, John Breewood, Robert Defont, John Hert. We see here the *omnes Comburchenses ejusdem Burghi*, all the fellow Burgessees of the Burgh of Wallingford were then but twelve, and it may easily be believed, that no man can think, but that these twelve, with the Mayor, were the community, or governing part of the town, or at least the more part of it.

Wallingford,
Ibid.

The other return in the 5th of Henry the 5th runs thus: *Viso breve Domini Regis nos Johannes Derby, Willielmus Arnyat, Johannes Chalmer, Galfrius Little, Thomas Swalewit, Ricardus Algate, Johannes Denby, cum assensu & consensu omnium Comburchensium nostrorum, elegimus & ordinavimus Johannem Cotterel, & Johannem Derby, nostros Comburchenses perrecturos ad parlamentum Domini Regis ad certum diem & locum in breve contentos. Ad quam ordinacionem & electionem, illi qui ejusmodi electioni interfuerunt sigilla sua apposuerunt.*

Having seen the writ of our Lord the King, we John Derby, William Arnegat, John Chalyin, Geoffrey Little, Thomas Swalewit, Richard Algate, John Benby, with the consent and assent of all our fellow Burgessees, have chosen and appointed John Cotterel, and John Derby, our fellow Burgessees, to go to the parlement of our Lord the King, at the day and place contained in the writ. To which election and appointment, those who were present at the election, put to their seals.

By this second election it is manifest, that the fellow Burgessees, or the absent our fellow Burgessees,

gesles, were equal in their ordinary quality to John Derby, who was, or had been then Mayor of the town, and to William Arnegat, and others, who doubtless were Aldermen or chief Burgesles of the same, and not Burgesles of the lower rank.

In the return of the writ for Wallingford in the 7th of Edward the Fourth, 'tis thus: *Hæc billa indentata, &c. Testatur quod Henricus Glasfer, & Johan. Medways, ballivi Burgi de Wallingford & Comburgenses Burgi prædicti ex unanimi assensu & consensu eligerunt Johannem Colynggrugge & Robertum Hoptoik, Burgenses effendi ad parlamentum Domini Regis, &c. In cujus rei testimonium sigillum commune apposuerunt.* Wallingford.

Here in this indented bill of return 'tis said the bailiffs of the Burgh of Wallingford and the fellow Burgesles made the election, in witness whereof they put the common seal of the Burgh to this bill, whereas in the former every one set his particular seal to the returns. Now who they were that had the disposal, ordering, and directing of the use of the common seal of any Burgh, see hereafter in the observations upon the return for Windsor, in the same 7th year of this King.

In the return of Helston, in Cornwall, in the 7th of Edward the Fourth, the words are these: *Hæc indentura facta apud Helston-Burgh, &c. inter Johannem Colsbill, Militem Vicecomitem, &c. ex parte una, & Ricardum Lanargh, Majorem Burgi prædicti, Johannem Emmont, & Johannem Harry Ricchowe, ballivos ejusdem Burgi & Henricum Gellyot, & omnes alios Comburgenses suos Burgi prædicti, ex parte altera* Helston.

L 2

Testatur

Testatur. Quod iidem Ricardus, Johannes Emmont, Ricardus Harry Ricchowe, Henricus, & omnes alii Comburgensis sui unanimi assensu & consensu, &c. Eligunt Edwardum Gower & Willielmum Stavely, &c.

This indenture made at Helston-Burgh, &c. between John Colshill, Knight, Sheriff, &c. on the one part, and Richard Lanargh, Mayor of the Burgh aforesaid, John Emmont, and John Harry Ricchowe, Bailiffs of the same Burgh, and Henry Gellyot, and all other their fellow Burgessees of the Burgh aforesaid, on the other part, witnesseth, that the same Richard, John Emmont, Richard Harry Ricchowe, Henry, and all other their fellow Burgessees, by their unanimous assent and consent, &c. chose Edward Gower and William Stavely, &c.

Here the Comburgenses, or fellow Burgessees of this town, were in their ordinary value and esteem, equals to the Mayor and Bailiffs, as being their fellow Burgessees; so that 'tis not hard to believe they were the community, or governing part of the Burgh.

Windfor.

In the 25th of Henry the Sixth, the return for Windfor was thus: *Hæc indentura facta, &c. Testatur quod Major & Communitas Burgenſium Burgi de Nova Windſore eligimus & nominavimus de communi conſilio noſtro Rogerum Faſnam, & Rogerum Scherman dicti Burgi Burgenſes ad comparandum, &c. In quorum teſtimonium ſigillum, commune omnium & ſingulorum Burgenſium, & communitatis prædictæ * habentium electionem intereſſentium præſentibus eſt appenſum. Dat. apud Windſore, &c. præſentibus Johanne Avelyn,*

* In the Record 'tis habemus electionem.

Avelyn, Majore Burgi prædicti, Willielmo Scherman, Willielmo Trowe, Rogero Weyte, Johanne Notewey Balliuis, Johanne Bethewood, Thoma Swan, Johanne Ruwelond, Thoma Pers, Ricardo Bernard, Constabulariis & aliis.

Here we find the parlement Burgeses of New Windfor chosen by the Mayor and Community of the Burgeses of that Burgh. In witness whereof, the common seal of all and singular Burgeses, and of the community aforesaid, which had voices in the election, was affixed to the indenture. Dated, &c. in the presence of John Avelin, Mayor, William Scherman, William Trowe, Roger Wete, and John Notewaye, Bailiffs, John Bethewood, Thomas Swan, John Ruwelond, Thomas Pers, Richard Bernard, Constables, and others,

But in the 7th of Edward the Fourth, about twenty four years afterwards, the return is much different, *Præsens billa indentata facta, &c. Testatur quod Johannes Scot, & Willielmus Kemsale, Ballivi Burgi de Windfore, & Comburchenses Burgi prædicti eligerunt Willielmum Evinton & Henricum Franceys Burghenses effendi ad parlamentum, &c. In cujus rei testimonium sigillum commune apposuerunt, id est, Ballivi, & Comburchenses, sigillum apposuerunt.* Windfor.

The *Communitas Burghensium*, in the former return, and the *Comburchenses* in the latter, were the same body of men; that is, those with the chief officers made the governing part of the Burgh, who in most, if not all corporations have the common

seal at their disposing, and by their only consent, it is to be affixed to any writing. See the returns for Oxford, in the second of Henry the Fifth, and twenty-fifth of Henry the Sixth, here before mentioned, for the clearing of this matter.

Reding.

* In the Record 'tis Habemus electionem.

In the same 25th of Henry the Sixth, the return was the same for Reding. *Hæc indentura, &c. Testatur, quod nos major & communitas Burgi de Redynge ordinavimus eligimus, & nominavimus de communi consilio nostro Simon Kent & David Gower dicti Burgi Burgenjes ad comparendum, &c. In quorum testimonium sigillum commune omnium & singulorum Burgensum & communitatis prædictæ * habentium electionem interessentium præsentibus est appensum. Dat. apud Reding, &c. Præsentibus Johanne Sawyer, Majore Burgi prædicti, Roberto Morys, Willielmo Stapper, Edwardi Linacre, Johanne West, Thoma Goldoure, Constabulariis, Ricarda Farle, Bartholomæo Atmore, Ballivis, & aliis.*

Reding.

So in the same 7th year of Edward the 4th, the words of the return were the same, except the names. *Præsens billa indentata, &c. Testatur quod Willielmus Bluet & Johannes Brode, Ballivi Furgi de Reddinge & Comburchenses Burgi prædicti ex unanimi assensu & consensu eligerunt Johannem Bukke & Johannem Upston, Burgenjes assendi ad parlamentum Domini Regis, &c. In cujus rei testimonium sigillum commune præsentibus apposuerunt.* There needs no other observation here, than what was made upon the foregoing returns for Windsor in the same years.

The

The return for Len in Norff. Seventh of Edward the Fourth, was, *Major & communitas eligerunt Henricum Bermingham & Willielmum Pilton, Burghenses villæ sue Burgi Len, &c.* In the twelfth of Edward the Fourth, it was the same in the 17th, it was *Major & Burghenses pro se, et communitate eligerunt, &c.*

Len.

So for Great Yarmouth in that County, for the same year, *Ballivi & communitas villæ magnæ Jenemythæ eligerunt Johan. Rufs, & Johan. Tymperley ad essend. ad parlamentum, &c.* In the 12th of this King it was, *Ballivi de communi assensu villæ eligerunt, &c.* In the 17th of the same King it was, *Ballivi & communitas unanimi assensu eligerunt, &c.* The meaning and intent of the returns was the same,

Yarmouth.

In the 12th of Edward the Fourth, *Major & communitas unanimi assensu & consensu eligerunt Johannem Beynton & Willielmum Abury cives civitatis Wellensis ad interessend. in proximo parlamento apud Westmunst. &c.* As by the return for Wells in Somersetshire, for that year appears and the like return changing the names is in the 17th year of that King.

Wells.

In the return for Brideport, 17th of Edward the Fourth. *Ballivi & Burghenses de Brideport par assensum & consensum totius Burgi communitatis eligerunt Thomam Neburgh & Robertum Hill, duos Burghenses, &c.*

Brideport.

Colcheſter.

In the 7th of Edward the Fourth, only five Burgeſſes of Colcheſter, named in the return, chooſe two Burgeſſes, William Ford and John Boteler, in the County-court, holden at Chelmsford, for the parlement mentioned in the writ, &c,

In the 12th and 17th of that King, the returns were thus, *Balivi Burgi Colcheſter, &c. Eligi fecerunt per majorem partem Burgenſum magis ſufficientium Johā. Wright & Johā. Botelen. Eſſend. pro Burgo illo ad parlamentum, &c.*

Warwick.

In the ſeventh of that King, John Herthull, Eſq. John Fiſher, of Warwick, and only ten more named in the indenture of return, did in the County-court, holden at Warwick, on the Monday next before Whitsunday, chooſe Edward Durant and Benediſt Lee, *Burgeſſes pro Burgo villæ Warwick*, to which indenture the Sheriff, on one part, and all the twelve electors on the other, put to their ſeals.

'Tis not ſaid in the return of what quality any of theſe electors were, whether Mayor, Bailiffs, or what others, yet it cannot be doubted, but they were of the beſt and moſt ſubſtantial Burgeſſes, and were at leaſt part of it, if not the whole community, or government of the town.

In the 12th and 17th years of that King, the Burgeſſes were alſo choſen in the County-court, but not ſaid how, or by whom, for their names are only indorſed on the writ, with their manucaptors, and likewise only mentioned in the indenture
of

of return for the county. Yet, by a parallel return, we may make a more than probable conjecture, they were chosen by the chief magistrate, or magistrates, and the community of the town.

For in the 15th of Edward the Second, after the Knights of the Shire, indorsed on the King's writ of summons, the citizens of Lincoln follow in the same method with their manucaptors, and in the same form here underwritten.

Lincoln,

Manuaptores Henrici de Hakethorn, unius civium civitatis Lincoln.

*Johannes Fowler, de Lincoln.
Adem del Murrays de eadem.*

Manuaptores Thomæ Gamel, alterius civium civitatis de Lincoln.

*Philippus Milloys de Lincoln.
Rogerus Ingloys de eadem.*

The like returns are in the dors of the writ for Grimby and Grimby and Stanford, and then it follows, *Et Stanford. non plures civitates seu Burgi in commitatu Lincoln,* Boston and Grantham being omitted.

Here is only a bare return of the names of the citizens of the city of Lincoln, with their sureties, who were to be at the parlement to be holden at York, three weeks after Easter, without any mention, how, or by whom chosen. Yet, by the petition, certificate, or return following, which is now sewed to the King's writ, directed to the Sheriff

A TREATISE of

Sheriff of Lincolnshire, it appears they were elected by the Mayor and Commonalty of the city of Lincoln.

A tres noble home & sage Sire William de Eyrminne, Meire & la Comminalty de Nicole, quant quid devient & poent, D'onors & reverences, pur ceo Sire, qui nous avons Eslutz, Henry de Haketborn, & Thomas Gamel nos Conciteyns, de venir au parlement nostre Seigneur le Roi, par la citee de Nocolle selonc le purport le brief le dyt nostre Seigneur le Roi, & ore le dyt Thomas ne se Degge venir pur rien que nous savoms faire, pur quoy Sire nous avons Eslutz Alayn de Hodelston en le lieu le dyt Thomas, a faire & assentir pur la dite citee selonc le tenuere le dyt breif, & vous Priom Cher Sire, sil vous plect, que le dyt Hen. Et Alayn voilets rescievire pur la citee avant dite. En tesmoygnance de quelque chose a cestrez presents avons mis le seal de nostre meiretee. Don a Nicole le seconde jour de May lan du reign nostre Seigneur le Roi Edward que orest qui Dieu Garde, Quinzisme.

Besides, that 'tis manifest from this certificate and return that the Mayor and Commonalty of the city of Lincoln, elected these two citifens to represent them in parlement; there are several other things may be observed from it: As first, that Thomas Gamel, one of the citifens, though he had two manucaptors returned with him on the dors of the writ, yet would not go to the parlement for any thing the Mayor and Commonalty of the city knew what to do. Secondly, that they without any other, or new writ, after his name was returned to the sheriff, and by him indorsed on the writ, and returned with two manucaptors for his appearance at the day and place appointed for

for the parlement, elected another citisen, Alayn de Hodelston in his place, and desired Sir William Eyrminne, (then Master of the Rolls, and Keeper of the Seal, in the absence or time of indisposition of John Bishop of Norwich, then Lord Chancellor) that he being thus elected by them, according to the form of the first writ of the King, might be received with the other citisen Henry de Hakethorn, first elected with Gamel, as citisen for this parlement, upon the Mayor's seal of office affixed to this certificate. Thirdly, if Hodelston fate, as in all probability he did, there could not then be such fine niceties and punctilios in the return of parlement writs, as at this present.

How Cirencester in Gloucestershire came to send Burgesles, 22 Jacobi, I know not, it sent none before that time that I can find.

In the return for the city of Rochester, in the 17th of Edward the Fourth, the Words were very general, and these following. *Hec indentura facta apud Rochester, &c. Testatur quod Willielmus Mungheam, Major civitatis roffen una cum omnibus, & singulis civibus, & communiariis ejusdem civitatis elegerunt & nominaverint Johan. Kyrton & Willielmum Revers, ad essend. cives pro civitat, &c.* Rochester.

The meaning whereof is, that the Mayor, together with all and singular citisens, and communers, that is, with all and every citisen, who was a communer, and of the community of the city, which was as much as to say, the whole community

community of the city chose them for the *communiarii*, or *comminiarii* of the city of London, are the Common Council Men thereof, and a select number of the most worthy, and able citizens, as appears by the style of the Common Council in the city books, *Commune concilium tenet in camera Guildhall, civitatis London, &c. Coram Tali, Majore civitatis, &c.* Then after the names of the aldermen present, and sheriffs, it follows, *Nec non majore parte comminariorum dictæ civitatis in communi concilio tunc & ibidem assemblat*, and it cannot be doubted but the commoners of the city of Rochester were persons of the same condition.

Bath and
Bridgewater.

In the 12th and 17th years of Edward the Fourth, the returns of Bath and Bridgewater in Somersetshire, are thus penned. *Hæc indentura, &c. Testatur quod cives civitatis Bathon. Ex unanimi assensu eligerunt, &c. Willielmum Haynes & Robertum Baten, &c. Ad essend. ad parlamentum, &c.* So for the Burgh. *Hæc indentura, &c. Testatur quod Burgenses Burgi de Bridgewater unanimi assensu elegerunt Thomam Tremaley, & Johannem Kendale, pro Burgensibus dicti Burgi ad essendum ad parlamentum, &c.*

[1] Pryn's Brev
Parl. Rediviva.
p. 317.

How the elections have been made in the Burgh of Bridgewater, since the date of these writs, and of late times, I cannot say. But in the city of Bath, they have always been made [1] only by the Mayor, Aldermen, and Common Council, consisting of thirty-one persons and no more, notwithstanding these general words, *Cives* or *Burgenses*, or at least, *Major, Aldermanni, & cives elegerunt*, have been in most of their returns.

In

In the 13th year of King Charles the Second, 1661, Alexander Popham, and William Pryn, Esquires, were chosen citifens for the city of Bath, by the Mayor, Aldermen, and Citifens, as in the [2] return, of which the whole number that [2] *Ibid.* p. 313. elected them were but twenty one persons, of the thirty one above-mentioned. There happened a controverfy about this election, there being two competitors [3] chosen by one Alderman, five [3] *Ibid.* p. 317, Common Council Men, and thirty-two Freemen, 318. the question before the Committee of Privileges, and the parlement was, [4] whether all the Free- [4] *Ibid.* p. 318; men and citifens of Bath had, and ought to have voices in the election of citifens to serve in parlement, or only the Mayor, Aldermen, and Common Council of the city. That the choice had been always made by the latter was clearly proved.

The principal matter then [5] insisted upon by [5] *Ibid.* p. 320. the competitor's counfel, was, that the elections were made in the name of the Mayor, Aldermen, and citifens of Bath, which word citifens, must necessarily, and of common right be intended of all the citifens, and freemen of the city, who are citifens, and not of the citifens-only, that are Common Council Men.

To this it was, or might have been answered, That Knights of the Shire are said to be chosen by the county, or the whole community of the county, and yet those words do not extend to all the inhabitants of the county, though never so rich, for tradesmen and others whose estates are in money or goods, nor copyholders, or leaseholders have any voice in such elections. And the commons

mons assembled in parlement, are usually stiled the Commonalty of the Realm, nay all the Commons of the Realm, as in the Stat. of Provisors, 25 Edward the Third, and others; yet are a select number of persons elected, intrusted, and authorized not by half the inhabitants of England. So that though the words *Cives & Burghenses* may in some cases, and in their full latitude, extend to all Citisens, Burgeses, or Freemen, and inhabitants also of Cities and Burghs, yet in many others, and most frequently in this particular case of electors, they are restrained to some select number of Citisens and Burgeses, or to the chief Magistrates and Common Council. Whoever desires further satisfaction in this point, may peruse Mr. Pryn's *Brevia Parliamentaria Rediviva*, from page 320 to page 328.

Citisens and
Burgesses cho-
sen in County
Courts.

In several counties the Citisens and Burgeses were chosen in the County Courts with the Knights; on the day of the Knight's election in the same court, and jointly returned in one indenture especially before the Stat. of the 23d of Henry the Sixth, and in some after that; there were commonly sent four or five Citisens or Burgeses from the respective Cities, or Burghs, whereof the Mayor, or chief Magistrate was usually one, to the County Court. *Qui de assensu totius communitalis, civitatis vel Burgi eligerunt, &c.* Who by assent of the whole Community of the city or Burgh, from which they were sent, did choose Citisens and Burgeses, who gave them full and sufficient power for themselves, and the community of the Cities and Burghs, to do and consent to such things, as by Common Council should be ordained.

One

One example of these returns may be seen in the * Appendix which was made for Somersetshire, * N. 14. in the second of Henry the Fifth, and the like is upon record for Dorsetshire, in the same year; there is also in that year one for Wiltshire, though not in the very same form, for which see the * Appendix for Devonshire in the 27th of Henry the Sixth, for Cambridge and Huntingdon, Warwick and Kent, and other Counties and Shires, in other years. * N. 15.

Burgeses for the town of Cambridge were Cambridge. chosen in the County Court in the 2d of Henry the Fifth, in 4, 6, 11, 14, and 29 Henry the Sixth, and 17 Edward the Fourth. In the 2d of Henry the Fifth, there were chosen in the County Court, by † twelve electors only, *Ex assensu totius Communitatis Burgi*, by assent of the whole Community of the Burgh. And from this time to the 22d of Edward the Fourth, being the last returns in the Tower, there are but eight electors mentioned in the returns, whether the election was made in the County or Town Court. In the 27th of Henry the Sixth, the election was made † by only eight electors; for the Community of the Burgh, according to the custom of the liberty of the Town. In the twenty-ninth of the same King, the election was made in the County Court, † by eight electors only, according to the custom of the town, who are named in both returns.

† Ibid. N. 26.
But 12 electors

Oreight according to the custom of the town.

† Ibid. N. 27.

† Ibid. N. 12.

In the 7th and 12th of Edward the Fourth, the elections for Huntingdon were made by 12 persons only, there being no assent or authority of, or from others mentioned in the returns. The like were made

Huntingdon and Wicomb
12 Persons only electors.

made by 12 persons only for Wicomb in Buckinghamshire, in the 12th and 17th of the same King; and such as will search the returns in the Tower; may find very many such elections made constantly by a certain number of electors, in these and other towns, and even in such, where of late (since the 22d of King James the First) popular elections have sometimes prevailed.

To all these instances for the greater proof, that the Communities of Cities and Burghs did and ought to choose; may be added, that the Citifens and Burgeses constantly had from their particular Cities and Burghs, power to treat, do and consent for themselves, and the said Communities, according to the tenor of all writs, in all times, and those, for whom they were to treat, do and consent, did, or most certainly ought to send them: For the Citifens and Burgeses represented the Cities and Burghs, and were Trustees for them in parlement, as the Community, or Mayor, Aldermen, and Common Council, or the chief Magistrate, and capital Burgeses, represented them at home, in the Cities and Burghs themselves, and were trustees for them there. For before bribery, meat and drink, with insinuation and artifice, prompted to the mean and ordinary poor sorts of Burgeses, a right which anciently they never dreamt of, there were no contests between them and the Communities, or Commonalties, or the governing part of Cities and Burgeses about the election of Citifens and Burgeses to represent them in parlement, seeing when they received wages, it was a burthen to those that chose
and

and sent them. And it is not easily to be imagined, poor ordinary men would contend for a burthen, or seek a trouble.

Besides, the returns are very uncertain, and different in form, sometimes the names of the Knights, Citisens, and Burgeesses only with their sureties are returned. Sometimes they are made according to the tenor of the writ, but mostly according to the form, fancy, and invention of the clerk that drew them up, without any strictness of words or design to inform posterity, who were or ought to be electors. The writs were commonly in the nature of a *venire facias*, and the Cities and Burghs took care only to send their Citisens and Burgeesses according to the precept, which was the business of the government of the places, to which the writs were directed, and that was the best judge who was fitted to serve them; there was then no striving for votes, or making parties or factions to be elected.

Returns of
Writs as to form
uncertain.

Hitherto of the great probability, if not certainty, who anciently were, and now ought to be the electors in all Cities and Burghs, which have Charters, and free Burgeesses. But the difficulty is, Who ought to be electors in such towns or Burghs, that have neither charter, custom, or free Burgeesses, as in the case of * Cirencester above-mentioned.

* Fol. 60. A.B.

To this I say, first, that where there is neither charter, custom, or Burgeesses, there can be no Burgh.

Secondly, as to this particular case, I am apt to believe Cirencester was anciently no Burgh, for
M amongst

amongst all the returns in the Tower, from the 26th of Edward the First, to the 17th of Edward the Fourth, there is not one for that town.

Thirdly, I say, that because several towns have sent Burgeses or members to parlement, therefore to assert according to the vulgar opinion, they must be Burghs, or, as they call them, Burghs by prescription, as not having Charter or Burgeses, is an error occasioned by want of due observation and perusal of ancient records.

For, no Man that I know of hath taken notice of tenants in ancient demeasns, having been sent to, and having sat in parlement. And several of those towns that sent them, were such as might have no charters constituting them free Burghs, and consequently had no free Burgeses, for, as it hath been said and proved before, these were made such by [1] charters only, and the grant of royal liberties, by which Cities and Burghs were constituted.

[1] Here f. 47.
49. 50. and Ap-
pen. n. 1. b.

But it will be said, that never was any writ or summons directed to the sheriffs, to send to any town of the King's ancient demeasns, to choose and send two tenants to parlement, as there was for Cities and Burghs, to send Citisens and Burgeses.

To this I reply, and do confess, I never did see such writs or summons directed to any sheriffs, or tenants in ancient demeasns, to send any of their own number to parlement, nor was there any need of it, for the representatives of such towns

Tenants in
ancient De-
measns, how
and by whom
represented.

as

as were Burghs by charter, and also the King's ancient demeasns, represented both the Burgessees and tenants too, and in some places might therefore be chosen by them both.

Secondly, when it was left to the sheriffs as hath been [2] shewn before, to direct his precepts to what Burghs, towns, or places he pleased, he might send them to such large towns of the King's ancient demeasns as had a market only by convenience and permission, or charter, without the constitutive clause of a Burgh, or free Burgessees, for it was a hard matter to distinguish such market towns from Burghs, which by outward appearance, in many things could not be distinguished, seeing they always paid the same tallages and taxes that Burghs did, they were free from [3] toll all over the kingdom, free from [4] contributing to the wages of Knights of the Shire, and free from suit to hundred and County-court, as Burghs were. They only wanted Burgh liberties and royalties, free Burgessees, a Merchant-gild, or community and peculiar officers, which were the characteristics of a Burgh, and were created and passed by charter, which the sheriffs might not take notice of.

[2] Here f. 32,
53, 54, &c.

[3] Register of
Writs, f. 161. b.

[4] Append. n.
16.

Lastly, when some sheriffs might call for the charters, and enquire after the free Burgessees of some towns, they might not find any, or be informed there was none, which sometimes might be the cause of some negative returns, that there were no more Burghs in such or such a county, than what they then returned.

M 2

When

A TREATISE of

When therefore there doth arise a dispute about elections, by whom they ought to be made, in such town as have neither charter nor Burgeses. The answer is ready, that they ought to be made by the Freeholders, such as are possessed of the ancient demeasfn lands, or those which anciently by one way or other had been in the crown.

Most of the
Writs and Re-
turns lost, since
the reign of Ed.
the IVth.

From the 17th of Edward the Fourth which are the last returns of parlement in the Tower, now known, to the first of Edward the Sixth, the returns are all lost; there are two bundles in the Chappel of the Rolls in the time of Henry the Eighth, but not legible. Two other bundles in the reign of Edward the Sixth, 1st and 6th. Five bundles in the reign of Queen Mary. Seven in the reign of Queen Elizabeth. Three in the reign of King James the First, and five in the reign of King Charles the First, and no others either in the Petty-bag, Crown-office, or in any other known place, untill the reign of King Charles the Second.

Returns since
King Henry
the eighth.

And these returns here are not much unlike those in the Tower, as may appear in these few instances, being also different in most places, according to the clerkship of those that made them.

[1] Return.
Brev. Parl. 1.
Ed. VI. In
Capella Rotulor
Wicomb.

Cheping-Wicomb in Buckinghamshire. [1]
*Hæc indentura testatur, &c. Quod major & Burgeses
unanimes affensu & consensu elegerunt, &c. In cujus
rei testimonium major & Burgeses sigillum suum appo-
suerunt.*

For

For the same town, *Hæc* [2] *indentura testatur*, [2] *Ibid. 6. Ed. VI.*
&c. Quod major, ballivi, & Burghenses unanimi assensu elegerunt, &c. In cujus rei testimonium major belliva & Burghenses sigillum suum apposuerunt. The same return in 1 *Mariae*. And the elections of Mayor, Burghesses, and town-officers, were then made by a select number, under the name of Mayor, Bailiffs and Burghesses, ever since, except for a few years last past, as also the parlement members exclusive of the ordinary freemen.

Reading in Berkshire. *Hæc* [3] *indentura testatur*, [3] *Ibid. 1. Mariae.*
&c. Quod major, Burghenses & Communitas Burgh, ordinavimus, eligimus, & nominavimus, &c. In cujus rei testimonium major & Burghenses sigillum suum commune, &c. Reading.

New Windsor, nos major Burghenses & Communitas [4] *Ibid. 1. Mariae.*
 [4] *Novæ Windsor ex unanimi assensu & consensu nostris elegimus, &c.* New Windsor.

What this community or commonalty of New-Windsor was, may be seen in the charter of † Edward the Fourth, inrolled in the Exchequer in Easter term, in the 7th of that King, roll the 4th, with the King's remembrancer, and in the 10th year of the same King, in the same term, roll the 5th, with the treasurer's remembrancer. By which charter 'tis plain, that the corporation, or body politic, and the community, was the same thing.

† *Concedimus Edmundo Pury nunc majori, necnon Tho. Sherman & Willielmo Stephen ballivis dictæ villæ de Nova Windsor & Burghensibus; & inhabitantibus ejusdem villæ, quod ipsi Burghenses, & inhabitantes, (i.e. the Bur-*

† In Archivis Villæ.

† Ibid.

A Community
or Commonalty
Corporate.

gesſes reſident, that dwelt in the town) *de cætero ſin. in perpetuum unum corpus in re & nomine & UNA COMMUNITAS PERPETUA CORPORATA de uno majore & duobus ballivis, ac Burgenſibus ejusdem villæ, ipſique major ballivi & Burgenſes ſucceſſionem habeant perpetuam, & quod ipſi major ballivi, & Burgenſes & ſucceſſores ſui per nomine Majoris, Ballivorum, & Burgenſium, de Nova Windſor placitare & implacitari, &c.*

And that theſe Burgeſſes were a ſelect number of the chief inhabitants of the town, it appears by the town books, in which the tranſaction of the Burgh and Corporation have been noted, and from time to time ſet down. Theſe Burgeſſes at firſt were the King's tenants, as appears by another † charter of Edward the Fourth, *ſciatis, quod cum Edwardus nuper Rex Angliæ primus poſt conqueſtum, conceſſarit pro ſe & hæredibus ſuis, quod villa ſua de Nova Windſor deinceps Liber Burgus eſſet, & quod PROBI HOMINES SUI ejusdem villæ & eorum Hæredes, & ſucceſſores, LIBERI BURGENSES ESENT, & GILDAM MERCATORIAM haberent, &c.*

† Lit. pat. 2 Ed.
4. Decimo die
Martii per in-
ſpeximus.

A town with a
trading Gild, or
ſociety, was a
Burgh.

This trading gild, fellowſhip, community, or fraternity, was in thoſe times, with the privileges belonging to it, the very conſtitution of a Burgh, and was always a ſelect number, diſtributed into ſeveral ranks and orders, and the whole fellowſhip or fraternity of the gild of New-Windſor, as it had been formerly eſtabliſhed according to the ancient uſage and cuſtom of the town, is explained and confirmed in the † charter of King James the Firſt, wherein the old name of the Burgh, or corporation is continued, viz. the Mayor, Bayliſſs and Burgeſſes of New-Windſor, &c. And 28 or not above 30, of the beſt, and moſt worthy inhabitants

† Pat. 1 Jac. 1.
in Capella Rot.
& addit. to the
Append. N. 29.

habitants of the Burgh are appointed to be the number of the fraternity of the Guild-hall of the Burgh, and to be the Common Council of the Burgh, and assistant to the Mayor and Bailiffs of the same Burgh, in all matters and things touching the same. Of these 28 or 30 brethren, thirteen were to be called Fellows or Benchers of the Guild-hall; and of them thirteen, ten were to be called Aldermen or chief Benchers, out of which the Mayor is to be chosen, and the two Bailiffs out of the brethren of the Burgh. Here we have the mystery of the community or corporation unfolded, that it consisted of a Mayor, two Bailiffs, and 28 or 30 Brethren of the Guild-hall, who were the Mayor, Bayliffs, and Burgessees, according to the ancient usage and custom of the town. And if the ancient charters, writings, and monuments of all Burghs, or pretended Burghs in England, were inspected, judiciously examined, and compared one with another, the meaning of the word, COMMUNITAS, community, (or, as vulgarly translated) the commonalty, would be as clear and perspicuous as it is in this place of Windsor, or any other City or Burgh.

The indenture of return for Parlement-Burgessees in the 15th of King Charles the First, 1639, runs thus, † This indenture made the 6th day of March, in the 15th year of King Charles 1639. between the Mayor, Bayliffs, and Burgessees of the Burgh of New Windsor on the one part, and George Purefoy, Esq. High Sheriff of the county of Berks, on the other part, witnesseth, that the said MAYOR, BAYLIFFS, AND BURGESSES, with their mutual

† In the Bundle of Returns for that year, in the Chapel of the Rolls.

¶ *ibid.*

mutual free assent and consent, have elected and chosen Sir Arthur Ingram, and Sir Richard Harrison, Burgeses, &c. The like return is in the 39th of Queen Elizabeth, and before; and all the reign of King James the First, and King Charles the First, until the year 1641, &c.

[5] *Ibid.* 1.
Marix.
 Thetford.

Thetford in Norff. *Hæc* [5] *indentura testatur, &c. Quod major, Burgeses & alii homines de communi Concilio, & congregatione dicti Burgi, una voce elegimus, consecimus, ordinavimus & in loca nostro posuimus, &c. In cujus Rei testimonium nos major & Burgeses sigillum nostrum commune apponi fecimus.* The same return is in the First of Elizabeth, the Burgeses names only excepted. Here the Mayor, Burgeses, and other men of the Common Council, and such as used to come to town or Burgh-meetings, were the electors, which agrees with the practice at this day.

The case between Sir Joseph Williamson and Mr. Heveningham at Thetford.

In the case between Sir Joseph Williamson, and Mr. Heveningham, the first chosen by the Mayor, Burgeses, and Commonalty of Thetford, the other chosen by some of the forementioned electors, and also by the major part of the freemen of the town.

[6] *Commons*
Journal. Mer-
cure. 17 Jun. 1
Jacob. II. 1685.
£. 193.

The report of the [6] Committee of Elections to the house concerning the election at Thetford.

Resolved, that 'tis the opinion of this Committee, that the right of election is in the Mayor, Burgeses, (which are ten) and in the Commonalty, or Common

mon Council (which are twenty) amounting in the whole to thirty one.

Resolved, [7] that this house doth agree with [7] *Ibid.* the Committee, that the right of election is in the Mayor, Burgeffes, (which are ten) and in the Commonalty, or Common Council, (which are twenty) amounting in the whole to thirty one.

By all these ancient and later returns, but more especially if compared one with another, it is manifest that in very many controversies about elections the House of Commons have been frequently mistaken in the meaning of these indefinite expressions, *Major & cives*, *Major & Burgenses*, *Major & Communitas*, or *Major, Burgenses, & Communitas elegerunt*, understanding thereby all Citifens, Burgeffes, or Freemen in general of such Cities and Burghs, when as they were only a select number, which managed the affairs and government of those places.

The House of Commons mistaken in the meaning of some indefinite expressions in the Returns of Writts.

Nay, when or where it is said in some few returns *Major, & omnes Burgenses, & Communitarii elegerunt*, those words are most commonly, if not always to be understood in a limited and restrained sense, which was; that the Mayor, and all the chief Burgeffes, or the Mayor and all such Burgeffes (which are the same with Aldermen though they wanted the title) and Commoners such as were of the Common Council, or ought to be at City or Burgh congregations or meetings did choose, &c. Who always were a select number, exclusive of the bulk of common, ordinary, poor Freemen, Citifens,

or

or Burgeſſes of the loweſt rank. And the *omnes Burgenſes Comminarii, & alii homines Burgi*, did moſtly ſignify no other perſons than all the Burgeſſes, Men, and Commoners, who were or ought to be at public meetings of the Burgh or City, and did tranſact the uſual buſineſs of the place.

Add to this, what hath been ſaid before, concerning the great error about the meaning and ſignification of the word *Communitas*, and that there were very few ancient writs and returns made upon them, to be ſeen in the Record-Office in the Tower, before Mr. Pryn, in the year 1660, and 1661, found ſo many lying confuſedly amongſt other records in the White Tower, as made ninety-seven bundles, which he mentions in his *Brevia Parliamentaria Rediviva*; by which men might have been better informed. And it will ſeem no great wonder to find men guided only by the ſounds of words, and byaſſed by popularity, to run into opinions both pleaſing to themſelves, and the vulgar, and of late years, to have determined controverſies about elections accordingly, contrary to the moſt common and frequent ancient uſage, in electing Ciſſens and Burgeſſes, and tenor of the returns of parliament writs in thoſe times.

F I N I S.

T H E

A P P E N D I X.

De *Burgo Magnæ Jernemu.*

Memorandum quod *Villa Magnæ Jernemu* In Biblio-
 non modico tempore ante conquestum ex- theca Cot-
 titit Situata per progenitores Regis Angliæ super ton. Clau-
portum Magnæ Jernemu, occasione *proficui* prove- dius, E. 8.
 nientis de eodem *portu*, ad meliorationem ejus Villæ f. 5. A.
 percipiendi, & factus fuit *Burgus Regis*. Unde in Col. 1.
libro qui vocatur *Domesday* reperiuntur verba quæ N. 1. a.
 sequuntur.

Gernemu tenuit Rex Edwardus semper septuaginta Nordfule.
 Burgenses tunc valuit cum duabus partibus Soche de Ibid.
 tribus Hundredis 18 l. ad numerum & pars Comitibus Little Do-
 9 l. ad numerum, modo duæ partes Regis 17 l. 16 s. mesday
 & quatuor Denarios blancas, pars Comitibus 10 l. Book, f.
 blancas, & *Vicecomes* habet quatuor libras & unum 118. a.
incipitem Terræ de Gersuma, has quatuor libras
 dant Burgenses gratis & amicitia. In eadem habuit
 tempore Regis Edwardi Ailmarus Episcopus quan-
 dam Ecclesiam Sancti Benedicti, eandem modo ha-
 bet W. Episcopus de Episcopatu & Valet 20 s.
 totum reddit 12 d. de gelto.

Dimidium Hundredi de Luthinglond Gorleston Sudfule.
 tenuit *Guertus* tempore Regis Edwardi quinque ca- Ibid. f.
 rucas Terræ pro uno Manerio, tunc *viginti Villani* 283. a.
 modo *duodecim*, semper quinque *Bordmanni*, tunc
 quinque *Servi*, modo quatuor, tunc in *Dominico* duæ
 carucæ modo una, tunc *boves* V. caruc. modo III.
 Silvæ quinque porcorum decem acræ prati, tres

A

Salinæ

Salinæ tunc II. *Runcini*, modo duo, semper *trecentæ* oves, in *Gernemu* viginti quatuor piscatores pertinent huic *Manerio*.

ET Sciendum quod Progenitores Domini Regis tenuerunt prædictum Burgum in manibus suis propriis percipiendo omnia proficua exeuntia de portu prædicto, usque ad tempus Regis *Johannis* [1] qui concessit Villam prædictam Burgenfibus Villæ prædictæ ad feodi firmam reddendo sibi & hæredibus suis quinquaginta & quinque libras per annum, ad quod solvendum nihil aliud habent nisi consuetudinem, & alia proficua provenientia de portu prædicto, nec capiant aliquas consuetudines de rebus venditis vel emptis in mercato super terram, nullo tempore anni.

[2] Viz.
Tertii

Et postmodum tempore Regis [2] *Henrici* Anno Regni sui duodecimo ortis aliquibus contentionibus inter homines de *Jernemu*, & *Rogerum* filium *Osberti* custodem *Manerii* de *Luthinglond* de consuetudinibus quas idem *Rogerus* cepit in portu prædicto contra libertates ipsorum hominum de *Jernemu*, idem Dominus Rex Anno Regni sui prædicto volens certiorari quæ consuetudines pertinuissent prædictis hominibus de *Jernemu*, & quæ *Manerio* suo de *Luthinglond*, assignavit *Martinum* de *Pateshull* ad inquirendum super præmissis. Et facta fuit inquisitio apud Magnam *Jernemu* Anno Regis *Henrici* duodecimo, Sacramento viginti quatuor de Comitatu *Norfolciæ*, & viginti quatuor de Comitatu *Suffolciæ* tam Militum quam aliorum, per quam quidem inquisiti nem fuit compertum, quod omnia Magna mercimonia vendi deberent & discurrari apud Magnam *Jernemu*, & quod tota aqua spectabat ad Homines de *Jernemu*, sed quod minuta mercimonia & victualia discurrari poterant versus partes de *Luthinglond*, vel versus *Jernemu* pro voluntate eadem adducentium, prout in Recordo habito coram præfato Martino, & Sociis suis plenius apparet. Unde patet quod Præscriptio omnium rerum venalium, quam *Johannes* de *Britannia*, Comes *Richmond* Homines & Tenentes sui Villarum *Parvæ Jernemu* & *Gorleston* penitus est interrupta.

Postea vero prædicti Burgenfes percipientes quod per prædictam inquisitionem fuerunt damnificati in hoc quod naves cum victualibus poterant dicurrare versus partes de *Luthinglond*, præcipue cum seisona
pif-

piscationis fuit *potissimum* eorum *proficuum*; acceſſerunt ad prædictum Dominum Regem Henricum & obtinuerunt ab ipſo quod idem Rex Henricus Anno Regni ſui quadrageſimo prædicto Manerio de Luthinglong in manu ſua exiſtente per *Cartam* ſuam *conceſſit* liſdem quod *omnia mercandiſæ & mercimonia* tam de *piſcibus* quam de aliis rebus, ad portum de *Jernemu* in navibus vel extra inventa per manus hujusmodi Mercandorum deferentur apud magnam Jernemu, vendantur, &c. Quibus quidem libertatibus prædicti Burgenſes & Anteceſſores ſui uſi fuerunt pacifice.

Declaratio Cartæ Regis Henrici tertii ſuper libertatibus portus Magnæ Jernemu.

SED poſtea quia videbatur præſatis Burgeniſibus quod verba contenta in Carta Domini Regis Henrici prædicta nimis extiterant obſcura, acceſſerunt ad nobilem Regem Dominum Edwardum Avum Domini Regis nunc, & petierunt ſibi declarationem fieri de verbis antedictis, qui quidem Rex Edwardus Avus, &c. per aviſamentum magni Concilii ſui, prout patet in * memorandis de Scaccario ſuo anno Regni ſui triceſimo quarto, de Termino Sanctæ Trinitatis, non obſtante reclamatione Adæ Bacoun Clerici, Johannis Kybel, & Johannis de Belton miſſorum ibidem per homines de parva Jernemu & Gorliſton prædicto Manerio de Luthinglong in manu ipſius Regis Avi exiſtente, conceſſit etiam Burgeniſibus & Sueceſſoribus ſuis quod omnia mercandiſæ & mercimonia quæcunque fuerint ſive de piſcibus, ſeu de aliis rebus quibuſcunque, quæ infra dictum Portum dictæ Villæ noſtræ magnæ Jernemu in Navibus aut batellis ſeu alio modo adduci ſeu deferri contingeret, ut ibidem negotiaretur de eiſdem apud eandem Villam de magna Jernemu & non alibi infra portum prædictum diſcarentur, & Cauſam exprimit in eadem Carta; * *pro eo quod prædicta Villa ſua de magna Jernemu fuit* * liber Burgus ſuus, & per progenitores ſuos ſituata extitit ſuper portum ſuum prædictum, occasione proficui de eodem portu ſuo

* See this Record hereafter following, by the latter clause whereof it evidently appears what, a freeBurgh was.

* Note this reaſon.

provenientis, ad *meliorationem Villæ suæ* percipiendi, quibus quidem libertatibus iidem *Burgenses* post consecutionem ejusdem Cartæ usi fuerunt & gavisi, eo quod omnia mercandisæ & mercimonia infra portum prædictum adducta tam in Navibus *Hominum*, & *Tenantium* ipsius *Comitis Villarum* parvæ *Jernemu* & *Gorleston*, quam in Navibus aliorum quorumcunque exposita fuerunt venditioni, vendita & discarcata apud magnam *Jernemu* virtute Cartæ prædictæ, & juxta tenorem ejusdem quod omnibus est publicum & notorium in partibus eidem Villæ magnæ *Jernemu* circumjacentibus.

Et Sciendum est, quod omnes *libertates* præfatis *Burgensibus* concessæ per Cartas Regis superius annotatas sunt confirmatæ. per Dominum Edwardum Patrem Regis nunc, & per Dominum *Regem* nunc; Et in confirmatione Patris Regis nunc, continetur, *quod licet Burgenses prædicti, vel eorum Successores, aliqua vel aliquibus libertatum prædictarum hætenus usi non fuerunt, eisdem gaudeant & utantur.*

*Carta Regis Edwardi tertii de libertatibus
Portus Magnæ Jernemu.*

Edwardus Dei Gratia Rex Angliæ, Dominus Hybernæ, & Dux Aquitaniæ, omnibus ad quos præsentis literæ pervenerint, Salutem. Sciatis quod cum celebris memoriæ Dominus Edwardus nuper Rex Avus noster per Cartam suam quam Dominus Edwardus nuper Rex Angliæ Pater noster per Cartam suam, & nos similiter per Cartam nostram confirmavimus, concessisse *Burgensibus nostris Villæ nostræ magnæ Jernemu*, quod omnia mercandisæ & mercimonia quæcunque sint, sive de piscibus sive de aliis rebus quibuscunque quæ infra portum nostrum dictæ Villæ nostræ magnæ *Jernemu* in Navibus aut batellis seu alio modo adduci seu deferri contigerit; ut ibidem negotietur de eisdem licite & aperte, apud eandem Villam de magna *Jernemu* & non alibi, in portum prædictum discarcentur, & per manus mercandisæ & mercimonia illa ducentium seu deferentium, & ea ibidem vendere volentium, seu per manus ser-

vientium suorum venditioni exponantur, & ibidem quibus voluerint libere vendantur, & emanant, ab-
 que aliquo forstallamento, vel abrocamento, seu alio
 quovis impedimento. Ita quod nullus forstallarius,
 abrocator, vel alius quicunque obviam eat Mercatori-
 bus cum piscibus, aut aliis mercanditiis, & rebus ve-
 nalibus versus prædictam Villam nostram venientibus,
 ad aliqua inde emenda, seu forstallamenta, vel abro-
 camenta in dicta Villa vel extra inde facienda *sub*
forisfactura rei emptæ, per quod dicti Burgenfes, seu
 aliqui mercatores hujusmodi mercandisas & merci-
 monia ididem ducentes super emptionibus & vendi-
 tionibus suis apud eandem Villam nostram de magna
 Jernemu faciendis, *ad detrimentum ejusdem Villæ* ali-
 qualiter impediantur, prout in Carta nostra plenius
 continetur. Ac inter Johannem de Britannis *Co-*
mitem Richemond & Homines & Tenentes suos Vil-
 larum parvæ Jernemu & Gorleston ex parte una, &
communitatem dictæ Villæ Magnæ Jernemu ex altera,
 occasione quorundam impedimentorum factorum per
 præfatos *Burgenfes* colore dictæ Cartæ dicti Avi nostri
 (ut dicebatur) eisdem Hominibus & Tenentibus Vil-
 larum parvæ Jernemu & Gorleston de proficuis ca-
 piendis de carcatione navium venire volentium ad
 easdem Villas parvæ Jernemu & Gorleston, & de
 emptione & venditione rerum venalium, *Idem placi-*
tum in diversis Curis nostris tam Parliamentis quam
aliis habitum fuisset, quod in placito illo inter easdem
 partes per nos & Concilium nostrum consideratum
 fuit quod idem *Comes*, & Hæredes sui, nec non *Ho-*
mines & Tenentes dictarum Villarum parvæ Jernemu
 & Gorleston Hæredes & Successores sui proprias na-
 vas suas cum rebus & mercandisiis in eisdem Navibus
 carcatis, seu de *allece*, seu de aliis *piscibus*, rebus, &
 mercandisiis quibuscunque ad easdem Villas parvæ
 Jernemu & Gorleston carcare & discarcare, & res &
 mercandisas suas ibidem venditioni exponere, & alias
 commodum suum inde facere valeant, pro eorum
 libito voluntatis, solvendo inde ibidem *illis* quos nos
 vel hæredes nostri ad hoc *deputabimus* custumas debitas
 & consuetas quadam sub missione quorundam homi-
 num, & tenentium, dictarum Villarum parvæ
 Jernemu & Gorleston, & etiam quorundam *Bur-*
gensium dictæ Villæ magnæ Jernemu, ad quosdam

¶ See the next Record.

N. 1. b.

¶ Our Beam, and the Seal called Cocquet.

de consilio nostro ad * dictum negotium inter partes prædictas finaliter terminandum, nec non quadam ordinatione per ipsos de eodem Consilio inter easdem partes inde facta, seu prædicta Carta ipsius Avi nostri non obstante. Ita videlicet, quod eorum naves Lannijs Coriis & pellibus lanutis suis, de quibus magnæ custumæ dari debent, in eodem portu in loco ubi * Thronus noster & * Sigillum nostrum quod dicitur Coket existunt, & non alibi carcentur. Et quod voluntas nostra & intentio nostra & ipsius Consilii nostri fuit, quod dicta Carta ipsius Avi nostri prædictis Burgenfibus Villæ magnæ Jernemu, ut præmittitur, facta per istam considerationem, quod alios in nullo sit restricta, sed quod locum suum habeant & effectum in omnibus, & gentes omnes, tam indigenas, quam alienigenas, præterquam eosdem Comitem, Homines, & Tenentes dictarum Villarum parvæ Jernemu & Gorleston, Hæredes & Successores suos in forma supradicta, *Salvo jure Civium Civitatum London, Norwici, Baronum de quinque portubus, & aliorum quorumcunque si quod habeant per Cartas de antiquiori data cartæ ipsius Avi nostri vel alio modo in hac parte.* Et quod dictum fuit & inhibitum per nos & dictum Consilium nostrum præfatis Comiti, Hominibus & Tenentibus dictarum Villarum parvæ Jernemu & Gorleston, *ne sub gravi forisfactura nostra ad easdem Villas parvæ Jernemu & Gorleston navas aliorum attraherent quo vis modo,* nec mercandisas aliquas in Aquam portus prædicti cum aliquibus per prædictam Cartam dicti Avi nostri restrictis exerçant, nec impedimentum aliquod faciant quo minus iidem Burgenfes dicta Carta ipsius Avi nostri gentes alias sicut prædictum est in omnibus suis articulis juxta vim & efficaciam ejusdem uti valeant & exercere. Et quod dictum fuit & inhibitum tam præfatæ *Communitati* quam præfatis Hominibus & Tenentibus parvæ Jernemu & Gorleston, ne quicquam contra considerationem dictam & inhibitionem prædictas attemptare præsumant sub forisfactura supra dicta prout in Recordo & processu inhibitis, & in Cancellaria nostra residentibus plenius continetur. Nos ne præmissa quæ pro tranquillitate & quiete partium prædictarum & justitia manutenenda per nos & præfatum Consilium nostrum sic considerata fuerunt, *futuris temporibus*

ribus in dubium revocentur, ea tenore præſentium duximus teſtificanda. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte me ipſo apud Wodeſtok, decimo die Julii Anno Regni noſtri Sexto.

*Inter Recorda de Termino Sanctæ Trinitatis
Anno triceſimo quarto Edwardi primi
Rot. vel. N. 43.*

Memorandum quod congregatis in Scaccario Regis apud Weſtmonaſterium modo die Jo- vis in Vigilia Natalis Sancti Johannis Baptiſtæ venerabili Patre W. Coventrenſi & Lichfieldenſi Epico- po, Domino Regis Theſaurario, Willielmo de H. melton Cancellario Angliæ R. le Brabazon Juſticiario ad placita coram Rege placitanda deputa- to, Baronibus de Scaccari, prædictis Juſticiariis de Banco, & quibuſdam aliis de Conſilio Regis prædicti ſuper quibuſdam negotiis Regis tranſactantibus, vene- runt coram eis Henricus Roſe, & Willielmus Faſtolft Burgenſes Villæ Regis magnæ Jernemuthæ, & ſup- plicarunt pro ſe & aliis Burgenſibus Villæ prædictæ, quod cum per Cartam Domini Regis Henrici quon- dam Regis Angliæ progenitoris Regis nunc, quam ipſe Rex nunc confirmavit inter cætera contenta in Carta prædicta *conceſſum* fuit *Burgenſibus de Villa de magna Jernemutha, quod omnia mercandiſcæ & mer- cimonia tam de piſcibus quam de aliis rebus ad portum de Jernemutha venientia in Navibus vel extra, libra & aperte per manus hujusmodi mercimonia deferentium ab- ſque alicujus impedimento vendantur & emanent, ita ta- men quod non ſint abraçatores in prædicta Villa de Jernemutha, per quos venditores vel emptores de ven- ditionibus vel emptionibus ſuis libere faciendis impedi- antur ad detrimentum Villæ memoratæ, quod ad ma- jorem notificationem & expreſſionem præmiſſorum conce- datur eis inde declaratio ſub hac forma (videlicet) quod mercandiſcæ & mercimonia quecunque, ſive ſint de piſcibus ſive de rebus aliis quibuſcunque, quæ infra portum Villa prædictæ vel ad eandem Vilam per terram vel per mare cauſa negotiandi ibidem, de eiſdem adduci ſeu deferri*

North,
Suff. de
homini-
bus de Jer-
nemuth,
& Luth-
inglond.
N. 1. b.

contigerit libere & aperte apud eandem Villam de magna Fernemutha per manus merchandisas & mercimonia illa ducentium, & ea ibidem vendere volentium, seu servientium suorum venditioni exponantur, & ibidem vendantur & emanant absque aliquo forstallamento vel abrocamento seu alio quovis impedimento, ita quod nullus forstallarius, abrocator vel alius quicunque obviam eat mercatoribus cum piscibus vel aliis mercandis aut aliis rebus venalibus per terrum vel per aquam versus dictam Villam venientibus ad aliqua inde emenda, vel forstallamenta seu abrocamenta inde facienda sub forisfactura rei emptæ, per quod dicti Burgenses seu aliqui mercatores hujusmodi merchandisas & mercimonia ibidem ducentes super emptionibus & venditionibus ad detrimentum Villæ prædictæ aequaliter impediuntur.

Et super hoc obtulerunt se coram Concilio prædicto Adam Bacon Clericus, Johannes Kybel de Gorleston, & Johannes de Belton de Suth Fernemutha quæ sunt in Ludinglond, dicentes & proponentes quod dicta declaratio si concessa fuerit, multum cederet in præjudicium & perpetuam deteriorationem hominum Villarum earundem, quæ quidem Villæ sitæ sunt prope portum prædictum: dicunt enim, quod semper retroactis temporibus naves ingredientibus portum illum in seisona piscationis allecis discarcari solebant pro voluntate Magistrorum navium illarum, tam ad illas Villas quam ad magnam Fernemutham, (videlicet) ad quem locorum prædictorum illi quorum interfit vendere mercimonia in hujusmodi Navibus carcata vellent exponere ea venditioni & ibidem vendi & emi absque ullo impedimento; & per prædictam declarationem si concessa esset, in forma prædicta, attraherent Burgensibus Magna Fernemuthæ toto tempore anni omnimodas naves cum quibuscunque mercimoniis applicantes in portu prædicto ad eandem Villam, & non permitterent hujusmodi naves alibi discarcara nec aliqua mercimonia in eisdem navibus adducta alibi venditioni exponere, &c. Unde petierunt pro Statu hominum Villarum prædictarum in Ludinglond quod nulla concessio fiat in hac parte in læsionem vel derogationem consuetudinum suarum pacifice hætenus obtentorum super emptionibus & venditionibus faciendis ad easdem Villas, ut prædictum est, &c.

* Note
here what
Liber Bur-
gus a free

Et prædicti Henricus & Willielmus dicunt, magna Fernemutha est * Liber Burgus Regis, & tenetur de ipso Rege ad feodi firmam quinquaginta quinque librarum

rum per annum, eo quod non est aliquod † certum in Villa prædicta *speñans* ad firmam illam, unde aliqua pars inde exeat vel emergat, sed quod ipsi Villæ ejusdem ratione proficui quem habent & habere clamant, de rebus venalibus adductis ad portum prædictum vendendis ad eandem Villam, & pro aliis libertatibus quæ ad liberum Burgum pertinent & quas Rex Scilicet † *Avus Regis* nunc, & *Rex Henricus Pater Regis* nunc, per cartas suas eis concesserunt, & ipse Rex nunc per cartam suam confirmavit, solverunt annuatim firmam supradictam, &c. Et ostendunt Cartam Regis nunc de confirmatione cartarum prædictarum *Avi sui* & *Patris sui* quæ testatur magnam *Jernemutham* esse liberum Burgum, &c. Et de Rege teneri ad feodi firmam, &c. Et plures & diverſes libertates hominibus ejusdem Villæ & eorum Hæredibus & Successoribus esse concessas, inter quas ad plenum continetur quod superius in principio hujus processus de concessione Patris Regis nunc exprimitur, &c. Et petunt quod explanatio sive declaratio quam petunt super concessione illa concedatur, non obstante reclamatione dictorum *Adæ*, *Johannis* & *Johannis* pro hominibus prædictis de *Ludinglond*, præsertim cum ipsi non ostendant, nec ostendere poterunt quod Villæ de *Suth Jernemutha* & de *Gorlston* sint Burgi, vel aliquam libertatem ad * Liberum Burgum pertinentem habeant per Cartam Regis, &c. Adjicientes, quod nisi inhabitantes Villas illas, qui ex concessione Regia nullas habent libertates, &c. compellantur subtrahere & delere usurpationes & forisfallamenta quæ faciunt & indies facere nituntur contra libertates magnæ *Jernemuthæ*, &c. Attrahentes eis mercandisas & mercimonia quorumcunque adducta ad prædictum portum, & non permittentes mercimonia hujusmodi transduci seu transferri ad Villam magnæ *Jernemuthæ* ibidem venditioni exponenda & vendenda, ad quam Villam & non aliam spectat portus prædictus eadem in proximo penitus adnullabitur, unde pro Rege & Statu Villæ suæ opportunum remedium petent eis adhiberi in hac parte; & habito inde tractatu per Concilium Regis prædictum, visaque & examinata Carta Regis prædicta, &c. Et quesito etiam a præfatis *Adæ*, *Johanne*, & *Johanne*, si aliquam Cartam Regis habeant de aliquibus libertatibus concessis hominibus Villæ parvæ *Jernemuthæ*,

Burgh was.
To wit, a Town that had special Liberties granted by the King's Charter.
† i. e. no Lands or certain Rents.
† King John.

* Note here the same

* Note
again
what Li-
ber Burgus
was.

*muthæ, & Gorleston, & obtento quod non, visum est concilio prædicto quod per verba expressa in prædictis Cartis Regum Johannis & Henrici confirmatis per Regum nunc, &c. Et per hoc quod prædicta Villa de magna Fernemutha est * Liber Burgus, &c. quod omnia mercimonia adducta ad portum prædictum tum de piscibus quum de aliis rebus vendenda, &c. Exponi debent venditioni & vendi ad Villam magnæ Fernemuthæ, &c. & non ad prædictas Villas in Ludinglond, quæ non sunt Burghi, &c. Unde dictum est per dictum Concilium ex parte Domini Regis firmiter injunctum præfatis Adæ, Johanni & Johanni de Belton, quod ipsi scire faciant hominibus prædictarum Villarum in Ludinglond pro quibus sequuntur quod nullus eorum præsumat attrahere ad suas partes aliquas naves applicantes in portu prædicto cum aliquibus mercandis seu mercimoniis vendendis, nec de hujusmodi mercandis seu mercimoniis venditiones seu emptiones ibidem facere quocumque modo, quo minus mercandis & mercimonia illa libere & aperte absque impedimento seu aliquo foristallamento transduci possint ad prædictum Burgum Regis Fernemutham, & ibidem prius exponi venditioni & vendi per manus illorum quorum mercandis & mercimonia illa fuerint vel Attornatorum eorundem prout justum fuerit, & prout per libertates hominibus Burghi prædicti a Domino Rege & Progenitoribus suis concessas fieri debet, &c.*

Prescription not allowed, against the Liberties of free Burghs, &c.

By this Plea and Controversie in the Exchequer, between the Burgh of Great Yarmouth, and the Men of Little Yarmouth and Gorleston in Lovinglond, it appears, That Prescription, seeing they were no Burghs, prevailed not to assert and make good a liberty of unlading Goods, and exposing them to Sale in those Towns, though it had been always done in foregoing times. By the same it is also evident, that Liberties belonging to free Burghs were only to be had and obtained by the King's Charter, and that where they were used without it, they were esteemed and judged Usurpations. Especially if practised, and continued to the prejudice and damage of a free Burgh.

Johannes

Johannes Dei Gratia, &c. Sciatis non concessisse & presenti Carta nostra confirmasse Burgensibus nostris de Gernemua quod habeant Burgum de Gernemua ad feodi firmam in perpetuum, & quod Burgus ille sit liber Burgus imperpetuum, & habeant (a) Socam & (b) Sacam, (c) Tol & (d) Theam, & (e) Infangenethef & (f) Utfangenethef, & quod ipsi Burgenſes per totam terram noſtram, & per omnes portus maris ſint quieti de (g) Theoloneo, (h) Leſtagio, (i) Paſſagio, (k) Paagio, (l) Pon-

Cart. 9.
Johannis,
N. 20.
Carta
Burgensium de
Gernemuth,
N. 2.

(a) *Soca*, *Socna*, the place, Territory, or *Præcinā*, wherein *Soca* or *Liberty* of Court was exercised, the Circuit of the place of the *Franchiſe*, or the *Liberty*, *Privilege*, or *Franchiſe* itſelf.

Soca.

(b) *Sāca*, *Sacca*, *Saka*, *Sacna*, ſignifies a *Liberty* or *Power* granted by the King to try and judge cauſes, and of receiving the forfeitures ariſing from them, within the *Limit*, *Dominion*, or *Juriſdiction* of the Court. See more of theſe words in the Preface to my Hiſtory, Fol. 61.

Saca.

(c) *Tol*, a word commonly known, being an *impoſition* or *payment* for things bought and ſold in *Mercates*.

Tol.

(d) *Theam*, a *Privilege* to take and keep *Bondmen*, *Villans*, *Servants* and *Slaves*, with their *Generations* one after another, and *Posterities*, which in *Latin* are ſometimes called *Seſſa*, ſometimes *Sequela*, and to *diſpoſe* of, and ſell their *Children*, or *moveable*, or *immoveable goods* at pleaſure.

Theam.

(e) A *Liberty* granted to try and judge a Thief taken within the *Juriſdiction* of the *Burgh*.

Infangtheſ.

(f) *Ut* or *Utfangenetheof*, a *Liberty* to take a Thief that fled, and bring him back to the Court, or Place, within which the fact was committed, and there to try and judge him.

Utfangtheſ.

(g) *Theoloneum*, the ſame with *Toll*.

Theloneum.

(h) *Leſtagium*, a *Liberty* for Men to carry there Goods up and down in *Fairs* and *Mercates*, where they pleaſe.

Leſtagium.

(i) *Paſſagium*, Money paid by *Paſſengers* at *Bridges*, *Gates*, &c. which may be called *Gate Toll*, *Bridge-Toll*, &c.

Paſſagium.

(k) *Paagium* any *Tribute* or *Payment*, from the French Word *payer*, and ours to pay, or perhaps the ſame word with *Paſſagium* the double S being left out, yet the word retained by the ignorance of the Scribe.

Paagium.

(l) Pon-

(*l*) Pontagio, (*m*) Stallagio, & de (*n*) Leve, & de (*o*) Denegeld, & omni alia consuetudine, salva libertate Civitatis London, & quod nullam sectam Comitatum vel Hundredorum faciant de tenuris infra Burgum de Gernemua Concessimus etiam eisdem Burgensibus, & hac Carta nostra confirmavimus quod nullus eorum placitet extra Burgum de Gernemua, de nullo placito præter placita de tenuris exterioribus. Concessimus etiam eis quietanciam a murdri infra Burgum de Gernemua, & quod nullus eorum faciat (*p*) Duellum, & quod de placitis ad Coronam pertinentibus se possint dirationare secundum legem & consuetudinem Oxon, & quod infra Burgum prædictum nemo capiat hospitium per vim, vel per liberationem Mareschallorum, & quod in Burgo illo in nullo placito sit Meskenninga, & quod Husting semel tantum in ebdomada teneatur. Concessimus etiam eis Gildam Mercatoriam, & quod terras, & tenuras, vadia sua, & debita sua, omnia iuste habeant quicumque eis debeat, & de terris suis & tenuris quæ infra Burgum prædictum sunt rectum eis teneatur, secundum legem & consuetudinem Burgi Oxon, & de omnibus debitis suis quæ accommodata fuerint apud Gernemuam, & de vadiis ibidem factis placita apud Gernemuam teneantur. Et si quis in tota Anglia Theolonia vel consuetudines a Burgensibus de Gernemua ceperit, exceptâ, ut superius, dicta Civitate London, postquam ipse a recto defecerit, Præpositus de Gernemua Namium apud Gernemuam

Pontagium.

(*l*) Pontagium, Toll paid for Passage over Bridges, with Horses, Carriages, &c. and under them, with Boats, Ships, &c.

Stallagium.

(*m*) A payment for a Stall, or a Right to have one in Fairs or Mercates.

Leve.

(*n*) Leve, pro Leva, Tribute, Levies, Exaction, Colledion, a Levare, Exigere, Tributum imponere.

Danegeld.

(*o*) Danegeld, this was a Tax or Money paid, and imposed, and levied for defence of the Nation against the Danes, or rather an annual Tribute paid to them, that they might abstain from Rapine, Burning and Slaughter, See my History, Fol. 123. E. F.

Duellum, &c.

(*p*) De Duello inter forinsecum & Burgensem. Leg. Burgor. Scot. c. 14. Si quis forinsecus Burgensem de re aliqua appellaverit, non potest super Burgensem pugnare, sed Burgensis per legem Burgi se defendet.

capiat.

capiat. Insuper ad emendationem prædicti Burgi de Gernemua concessimus quod quinque Mercatores petierint Burgum de Gernemua cum Mercato suo de quocunque loco fuerint sive extranei, sive alii qui de pace nostra fuerint vel de licentia nostra in terram nostram venerint, veniant, morentur, & recedant, salvâ pace nostrâ reddendo rectas consuetudines illius Burgi. Prohibemus etiam ne quis prædictis Burgenesibus injuriam vel dampnum vel molestiam inferat super forisfacturam decem librarum. Quare volumus & firmiter præcipimus quod prædicti Burgeneses de Gernemua, & eorum hæredes habeant & teneant imperpetuum omnia prædicta hæreditarie, bene & in pace, liberè, quiete, integre, plenarie & honorificè reddendo inde annuatim quinquaginta & quinque libras numero, per manum Præpositi de Gernemua ad Scacarium nostrum ad Terminum Sancti Michaelis: & Burgeneses de Gernemua facient Præpositos de se per annum qui sint idonei nobis & eis. Testibus Domino H. Wintoniensi, Domino J. Norwicensi, S. Sarisberienſi Episcopis, G. Filio Petri, W. Mareſcallo, Comite Pembroke, W. fratre nostro, Comite Sarum, W. Comite de Ferrariis, Petro filio Herberti, W. Briwer, H. de Nevill, Adamo de Portu, Garino filio Geroldi, Willielmo de Cantilupo, Johanne de Bassing, Galfrido Lutterell, Thoma filio Adæ. Datum per manum H. de Well Archidiacono Wellenſi apud Merleberg decimo octavo die Martii, Anno Regni nostri nono.

Johannes Dei Gratia Rex Angliæ, Dominus Ybernæ, Dux Normanniæ, Aquitaniæ, Comes Andegaviæ, Archiepiscopis, Episcopis, Abbatibus, Comitibus Baronibus, Justiciariis, Vice-Comitibus, Præpositis & omnibus Ballivis & fidelibus suis, Salutem. Sciatis nos concessisse & præſenti Carta confirmasse Burgenesibus nostris Dunewici quod Burgum de Dunewic sit liberum Burgum nostrum, & habeat Socam, & Sacam, & Toll, & Theam, Infangene-theof, & quod ipsi per totam terram nostram sint quieti de Theloneo, & Lestagio, & Passagio, & Pontagio,

1. Johan-
nis, N.
164. Car-
ta Bur-
gensium
de Dune-
wic.
N. 3. a.

Pontagio, & Stallagio, & de Leve, & de Danegeld; & de (a) Ewagio, & de (b) Wrec, & (c) Lagan; & de omnibus aliis consuetudinibus, Salva libertate Civitatis London, & quod ipsi rectam & Solitam firmam suam per manum suam reddant ad Scaccarium nostrum, & quod nullam Sectam faciant Comitatum vel Hundredorum nisi ceram Justiciariis nostris; Et cum summoniti fuerint esse coram Justiciariis mittant pro se duodecim legales homines de Burgo suo, qui sint pro eis omnibus. Et si forte ameriari debuerint, per sex probos homines de Burgo suo, & per sex probos homines extra Burgum, amercentur: Concessimus etiam eis quod (*) filios & filias suas possint libere ubi voluerint in terra nostra maritare, & viduas similiter per consilium amicorum suorum, & (*) perquisitiones suas de terris & ædificiis in Villa sua possint dare aut vendere, aut facere inde quod voluerint, & quando voluerint. Concessimus etiam eis (d) hanfam, & (e) Gildam Mercatoriam, sicut

(a) *Ewagium*. I know not what it means, unless it be here used for Aquagium, an Aquæ-Duct, or Water-Passage,

(b) *Wrec*, Goods thrown over-board, when the Ship is over-laden, or cast away at Sea. These belonged to the Crown in all places, and could not be enjoyed but by special Grant or Privilege.

(c) *Lagan*, from the old word *Liggen* or *Leggen*; Goods lying and found under Water, or in the bottom of the Sea.

(*) Note; before they had the King's Licence, the *Burgeses* could not Marry their Sons and Daughters to whom, and where they pleased, nor could *Widows* Marry themselves, nor could the *Burgeses* give or sell the Lands they purchased, without Licence, or before their Charter. And most probable it is, these were of the same state and condition with the *Burgeses Dominici*, in the Saxon times before the Conquest, who had the King or some other Lords, or great Men for their Patrons, and Protectors.

(d) *Hansa*, from the German word *Hanse*, which signifies a Society.

(e) *Gilda Mercatoria*, a Trading Society, a Company of Buyers and Sellers. The other words are all interpreted in the Charter of Yarmouth.

habere

habere consueverint. Quare volumus & firmiter præcipimus, quod prædicti Burgenſes noſtri prænomi-
natas libertates & liberas conſuetudines habeant,
& teneant liberè, paciſice, & integre ſine omni im-
pedimento. Teſtibus Euſtachio Elyenſi Epìſcopo,
Willielmo Mareſchallo, Comite de Pembroke, Jo-
hanne de Pratell, Ga. Data per manum Hu-
berti Cantuarienſis Archiepiſcopi, Cancellarii noſtri
apud Rupem Aurmali Viceſimo nono Die Junii,
Anno Regni noſtri primo.

Johannes Dei Gratia, &c. Sciatis quod remiſſi-
mus & perdonavimus Burgenſibus noſtris de
Dunwico quadraginta libras in perpetuum de firma
ſua quam nobis reddere ſolebant pro Villa de Dun-
wico, ſcilicet, de (a) ſexties viginti libris & viginti
quatuor mille allecum & una Marca. Ita quod red-
dent nobis & hæredibus noſtris de cætero ſingulis
annis quater viginti libras & viginti quatuor mille al-
lecum & unam Marcam pro prædicta Villa de Dun-
wico tenenda in perpetuum ad feodi firmam. Quare,
&c. quod prædicti Burgenſes noſtri & hæredes ſui
quieti ſint in perpetuum a nobis & hæredibus noſtris
de prædictis quadraginta libris de prædicta firma, ſi-
cut prædictum eſt. Conceſſimus etiam eis & hac
Carta noſtra confirmavimus quod non * namientur
pro aliquo debito unde non fuerint vel plegii vel ca-
pitales debitores niſi ipſi ſuper hoc quieti in Juſticia
exhibenda deſecerint, & niſi in locis quibus libertatem
& poteſtatem hujusmodi namia capiendi conceſſimus.
Teſtibus W. Comite Sarum, W.
Comite Arundell, Willielmo Briwer, Hugone de
Neville, Warino filio Geroldi, Thoma Baſſet.
Data per manum Hugonis de Well Archi-
diaconi Wellenſis apud Freitmantell quinto die No-
vembris anno, &c. Septimo.

Cart. 7.
Johan. m.
6. n. 45.
N. 3. b.

* Should
not be diſ-
treined.

(a) Note, the great Fee-Farm Rent of this now poor
Town, it was almoſt *twice* as much as any, and more
than *twice* as much as moſt *Coaſt-Towns* in *Norff.* and
Suff. then paid.

Dun-

Dunwich paid to the King Three Hundred Marks for to have their Liberties granted to them, in their Charter in the First of King John besides Ten Falcons, and Five Girfalcons.

[1] Rot.
oblat.
1 Johan.
M. 19.

Dunwic [1] dat Domino Regi trecentas Marcas pro habendis Libertatibus suis secundum tenorem Cartarum suarum quas habebunt. Item dant pro eodem decem Osterios, & quinque Girfalcons.

The Burgeses or Men of Dunewic further gave the King an Hundred Marks of Silver, that they might have and enjoy their Charter of Liberties which was then detained, as may be supposed by what follows.

[2] ibid.
M. 9.

[2] de Dunewic dant Domino Regi centum Marcas Argenti ut Carta Domini Regis de libertatibus suis teneantur. Scilicet quinquaginta Marcas ad Pascha, & quinquaginta Marcas ad Festum Sancti Michaelis.

The Burgeses of Dunewich gave more to the King 200 Marks and 5000 Eeles, for having Wrec and Lagan inserted into, or Granted by their Charter, and the Charter was delivered to Geofry Fitz-Peter, until provision was made for the Security of 300 Marks first promised, and 190 Marks promised the second time.

[3] Ibid.
M. 1.

Burgenses [3] de Dunewic dant Domino Regi ducentas Marcas & quinque mille Anguillarum pro habenda Wrec & Lagan in Carta sua Cartam G. Fil. Petri ut provideatur de securitate de trecentis Marcis primo promissis, & de centum Marcis secundo promissis.

Cart. 51
H. 3. M.
10. N. B.
by Inspe-
ximus.
Note,
there are
in this
Roll two
M. 10.
N. 4.

Henricus Dei gratia Rex Angliæ, &c. Archiepiscopis, Episcopis, &c. Salutem. Inspeximus Cartam quæ bonæ memoriæ Henricus quondam Rex Angliæ Avus noster fecit Burgensibus Wallingfordiæ in hæc verba.

Henricus Dei gratia Rex Angliæ, & Dux Normanniæ & Aquitaniæ & Comes Andegaviæ Archiepiscopis, &c. & fidelibus totius Angliæ & Normanniæ, Franciæ & Aquitanniæ, Salutem. Præcipio vobis ut *Burgenses* mei de Wallingford firmam pacem meam habeant per totam terram meam Angliæ & Normanniæ ubicunque sint; & sciatis me dedisse & con-

concessisse eis imperpetuum libertates & leges suas omnes & consuetudines bene & honorifice sicut melius & honorabilius eas habuerunt (a) tempore Edwardi Regis & tempore Atavi mei Regis Willielmi, & ejus filii alterius Regis Willielmi & tempore Henrici Regis Avi mei, *scilicet*, Gildam Mercatoriam cum omnibus consuetudinibus & legibus suis libere habeant, ne * Præpositus meus vel aliqua Justitia mea de Gilda eorum se intromittat nisi proprie Aldermannus & Minister eorum. Et si Ministri mei vel aliqua Justitia aliquo placito vel occasione calumpniaverit illos, vel in causam ducere voluerit, prohibeo & præcipio ne ullo modo respondeant nisi illorum proprio portimoto. Et si ipse Præpositus eos aliqua occasione sine calumpniatore implacitaverit non respondeant. Et si aliquo forisfacto vel recto judicio aliquis eorum forisfactus fuerit per rectam considerationem *Burgensium* erga Præpositum illud emendet. Prohibeo etiam & præcipio ne aliquod Mercatum sit in (b) Craumerfa, nec Mercator aliquis nisi sit (c) Gilda Mercatoria,

* Officer
or Sheriff.

(a) *Modo sunt in ipso Burgo Consuetudines omnes ut ante fuerunt.* This follows in a distinct Line by itself, immediately after what is written out of *Domesday Book* further on. The word *Consuetudines* here seems to signify *Rents*, and the whole to sound no more, than that the *Rents* of Houses were not raised in that Burgh after the Conquest; or they might have the same other Customs, though they paid more for them, for the Farm of the Town was raised from 30 to 60 *l. per Annum*, *Domesd.* f. 56. b. Col. 1.

(b) *Craumerfa* is a Village or small place over against *Wallingford Castle* or the Town, where there was an Anti-Castle or Fortress built, to restrain and keep in the Garrison in that Castle in the time of King *Stephen*; this appears by the great Ditches and Trenches to be seen before the place where the great Castle-Gate was.

(c) At this time it was thought a great *Privilege* at least, if not a *Livelihood* to be a *Member* of a *Trading* or *Merchant-Gild*; and wherever a *Burgess* dwelt, if he lived upon, or used the *Mercate* of *Wallingford*, he was to perform all *Duties* to the *Gild*, and be judged according to the *Rules* and *Laws* of it, whether he lived within a *Burgh*, or without. *Et si quis exierit de Burgo Wallingford,*

B

catoria, & si aliquis exierit de *Burgo* Wallingford, & vivat de Mercato ipsius Wallingford, præcipio ut rectum Gildæ Mercatoriarum faciat ipsis *Burgensibus* ubicunque sit infra *Burgum* vel extra. Sciatis præterea me dedisse & consisse imperpetuum omnibus hominibus Wallingford plenam quietanciam de annuo (*d*) Gablio meo quod solebant reddere de *Burgo* Wallingford, de eo, scilicet, quod ad me pertinet in *Burgo* has leges & consuetudines, & libertates & quietancias omnes dono eis, & concedo imperpetuum, & alias omnes quas poterunt ostendere antecessores suos habuisse libere, quiete, & honorifice sicut Cives mei Winton melius unquam habuerunt, & hoc pro Servitio & labore magno quem pro me sustinuerunt in acquisitione hæreditarii juris mei in Anglia. Concedo etiam eis quod ubicunque ierint in Mercationibus suis per totam terram meam Angliæ & Normanniæ, Aquitanæ, & Andegaviæ, *by Gater and by Stronde, by Wode and by Londe*, quieti sint de Tolneto & Passagio & omnibus Consuetudinibus & Exactionibus, ne super hoc ab aliquo inquietentur super forisfacturam decem librarum. Prohibeo etiam & præcipio super eandem forisfacturam ne Præpositus Wallingford (*e*) Scotiam faciat, & ne

ford, & vivat de Mercato ipsius Wallingford, præcipio ut rectum Gildæ Mercatoriarum faciat ipsis Burgensibus, ubicunque sit, infra Burgum, vel extra.

(*d*) In *Burgo* de Wallingford habuit Rex Edwardus octo virgatas Terræ, & in his erant 276 Hage reddentes undecem libras de Gablo, & qui ibi manebant faciebant Servitium Regis, cum Equis, vel per Aquam usque de *Blidberiam, Reddinges, Sudtone, & Bensentone* (all Towns in *Berkshire*) & hoc facientibus dabat Præpositus (*Burgi*) Conredium (their Diet) non de censu Regis sed de suo, Domeld. f. 56. a. Col. 2. *Blubery, Reding, Sutton-Courtney and Bysington* all in *Berkshire*, upon or near the *Thames*, above and below Wallingford, and the service here meant was *Water and Land Carriage*.

Scotale,
what it
was.

(*e*) *Scotale* from *Scot*, a gathering or *shot*; and *Ale* in the known signification, *Scotales* were *abuses* put upon the *Kings People* by his Officers, who invited them to *drink Ale*, and then made a *Collection*, to the end they should not *wex* or *inform* against them, for the *Crimes* they had committed or should commit.

& ne (f) Geresumam ab aliquo quærat; & quod nullam consuetudinem in Wallingfordia statuatur quæ noceat *Burgensibus* Villæ hujus Donationis & Concessionis. Testes sunt Thebaldus Archiepiscopus Cantuariensis & alii. Data apud Oxeneford primo Idus Januarii. Nos autem prædictas donationem & concessionem ratas habentes & gratas eas pro nobis & hæredibus nostris, prædictis *Burgensibus* & eorum Successoribus concedimus & confirmavimus prout Carta prædicta rationabiliter testatur. Volumus etiam & concedimus pro nobis & hæredibus nostris quod licet *Burgenses* prædicti a principio turbationis dudum post Parliamentum habitum apud Oxon in Regno nostro suscitatur, aliquo articulorum libertatum prædictarum minus plene hæctenus usi fuerint ipsi tamen & eorum Successores nichilominus de cætero libere & sine impedimento aliquo utantur libertatibus ante dictis sicut prædictum est. His testibus Roberto Walraund, Roberto Aguyloun, Nicholao de Leukenore, Willielmo de Aete, Johanne de La Lynde, Petro de Neville, Radulpho de Bakepuz, Willielmo Belet, Bartholomæo Bigod, & aliis. Data per manum nostram apud Westmonasterium duodecimo die Januarii, Anno Regni nostri quinquagesimo primo.

(f) *Geresumma*, or sometime *Jeresumma*, is properly an Income or Fine paid for the entrance upon some Place Estate or Office. Here it signifies plainly a Bribe, or Money given to the Kings Officer to connive at, and not to prosecute those that gave it in Criminal Cases.

Geresumma, or *Jeresumma*.

This was a large Charter, and was granted unto the Burgeses of Wallingford for the good service they did King Henry the Second, and his Mother Maud the Empress, against King Stephen.

Cart. 5.
Ricardi 1.
N^o 5.

Ricardus Dei Gratia Rex Angliæ, &c. Archiepiscopis, Episcopis, &c. Salutem. Sciatis nos retinuisse in manum nostram Burgum nostrum de Portesmue, cum omnibus ad eum pertinentibus, & in eo stabilisse & dedisse & concessisse *Nundinas* duraturas semel in anno per *quindacem dies* ad vincula Sancti Petri, scilicet. Concessimus etiam quod omnes homines Angliæ, Normanniæ, Pictaviæ, Walliæ, Scotiæ & omnium terrarum nostrarum, & aliarum veniant ad prædictas *Nundinas*, & eant & redeant bene & in pace, & habeant omnes quietancias & libertates quas habent ad *Nundians* Winton, vel Hoiiland, vel alibi in terram nostram. Concessimus etiam quod *Burgenses* nostri in eodem *Burgo* habeant singulis Ebdomadis anni una die septimanæ, scilicet die Jovis, Mercatum cum omnibus libertatibus & liberis consuetudinibus quas cives nostri Wintoniæ, vel Oxoniæ vel alii terrarum nostrarum habeant vel habere debeant. Concessimus etiam quod prædicta Villa de Portesmue, & omnes *Burgenses* nostri in eâ, & de ea tenentes sint quieti & liberi de Thelonio, & Pontagio, & Passagio, & * Pedagio, & Paagio, & Staflagio & Tallagio, & de Schiris, & Hundredis, & de Sectis Schirarum & Hundredorum & de summis, & auxiliis Vicecomitum & Servientium & de placitis & querelis omnibus, & de (a) *Blodwyta*, & de (b) *Sichwyta*, & de (c) *Leirwyta*, & de (d) *Wapentake*, & de *placito* Forestæ, & *Guardo*, & (e) *Reguardo* Forestæ, & de omnibus aliis secularibus exactionibus tam

* *Pedagium* and *Paagium* are the same.

(a) *Blodwyta*, or a *Mulſt Amerciament* for drawing Blood.

(b) *Sichwyte*, I know not what it is.

(c) *Leirwyte*, *Lairwyte*, a *Legerwyte*, *Mulſt* upon him that corrupted a *Bondwoman*, or upon a *Bondman* for the Fornication of his Daughter.

(d) Free from *Suit* and *Service* to the *Wapentake Court*, as before from *Suit* and *Service* to the *County* or *Shire Court*, and *Hundred Courts*.

(e) *Regard*, &c. There were in the Kings Forests certain Officers called *Regardatores*, now called *Rangers*, who often viewed and went about the Forests, to see if

tam per mare quam per terram ubicunque venerint in totam terram nostram. Quare volumus & firmiter præcipimus, quod prædicta Villa de Portesmuë, & Burgenſes noſtri in ea tenentes Manſiones ſuas & poſſeſſiones habeant & teneant, cum *Thol*, & *Theam*, & *Infangenetheof*, & *Uſfengenetheof*, & cum omnibus libertatibus & liberis conſuetudinibus ita bene & in pace, libere & quiete ſicut Cives noſtri Wintoniæ, vel Oxoniæ, vel alii de terra noſtra melius habent & tenent. Et prohibemus ne ponantur in placitum de aliquo tenemento ejusdem Villæ, niſi coram nobis. Et prohibemus ne quis eos diſturbet in aliquo ſuper forisfacturam * noſtram. His teſtibus, &c. Data * i. e. 10 per manum Willielmi de Longo Campo Elyenſis Lib. Episcopii Cancellarii noſtri apud Portesmuë. Secundo die Maii, Anno Regni noſtri quinto. 1194.



Johannes Dei gratia, &c. Sciatis nos conceſſiſſe hominibus de Andever quod habeant Gildam Mercatoriam in Andever & quod ſint quieti de Theloneo & Paſſagio & conſuetudine per totam terram noſtram ſicut Burgenſes Wintoniæ qui ſunt de Gilda Mercatorum ſunt quieti, & ſuper hoc nullus eos iniuſte diſturbet pro conſuetudine ſuper decem librarum forisfactura, ſicut Cartæ Henrici Patris noſtri, & Ricardi Fratris noſtri quas inde habeant rationabiliter teſtantur. Teſtibus R. Comite Ceſtrii, Warino filio Geroldi, W. de Braoſa, Petro filio Herberti, Henrico Biſſet, Hugh de Laſcy, Petro de Stok. Data per manum J. de Well apud Radinge primo die Maii Anno Regni noſtri ſexto.

Cart. 6
Johan. n.
15.
N.º 6.

any Wood was cut, Veniſon ſtolen, and other Treſpaſſes committed therein ; which view or inſpection was called a *Regard* ; as likewise was the *puniſhment* for ſuch Offences and Treſpaſſes.

Cart. 2.
Johan. p.
2. n. 132.
Nº 7.

Johannes Dei gratia, &c. Sciatis nos dedisse & concessisse & hac præfenti Carta nostra confir-
masse dilecto & fideli nostro Willielmo Briwer quod
Burgh Walteri sit liberum *Burgum* & quod ibi sit
liberum Mercatum, & una feria singulis annis per
octo dies duratura, scilicet, a die Nativitatis Beati
Johannis in octo dies cum Theloneo, Paagio, Pon-
tagio, Passagio, Lestagio, Stallagio & cum omnibus
aliis libertatibus & liberis consuetudinibus ad liberum
Burgum & ad Mercatum & Feriam pertinentibus.
Concessimus etiam prædicto Willielmo quod præ-
dicti *Burghenses* sui de prædicto *Burgo* sint liberi *Bur-*
ghenses, & sint quieti de Theloneo, Paagio, Pontagio,
Passagio, Lestagio & Stallagio, & habeant omnes li-
bertates, & liberas consuetudines & quietancias quæ
ad nos pertinent per totam terram nostram, & per
omnes portus terræ nostræ, excepta Civitate London.
Quare volumus & firmiter præcipimus quod prædictus
Willielmus & hæredes sui post ipsum habeant & teneant
omnia prædicta bene, & in pace, libere & qui-
ete, integre, plenarie, & honorifice cum omnibus
libertatibus & liberis consuetudinibus suis sicut præ-
dictum est. Testibus W. Marefcallo Co-
mite de Penbroc, R. Comite Cestrie,
Willielmo Comite Sarum, Willielmo de Rupibus
Seneschallo Andegaviæ, &c. Data per manus S.
Wellens Archidiaconi Gloucestriæ apud
Turon Vicesimo sexto die Junii, Anno Regni nostri
secundo.

Cart. 2.
Johan. n.
47.
Nº 8.

Johannes Dei gratia, &c. Sciatis nos concessisse
& præfenti Carta nostra confirmasse, quod Bur-
gus noster de Helleston sit liber Burgus & quod Bur-
ghenses nostri de eadem Villa habeant Gildam Merca-
toriam & quietanciam per totam terram nostram de
Theloneo, Pontagio, Passagio, Stallagio, Lestagio
& (a) Sollagio salvis in omnibus libertatibus Civitatis
London. Concedimus etiam eis quod non placent

(a) I know not the meaning of *Sollagium*, unless it be
instead of *Seldagium*, a Payment for standing in a Shed.
nisi

nisi infra Burgum suum de rebus vel tenuris pertinentibus ad villam suam præterquam de placitis ad Coronam nostram pertinentibus & placitis de terris forinsecis. Volumus etiam quod habeant omnes alias libertates & liberas consuetudines quas habuerunt Burghenses nostri de Castello de Lancelton tempore Regis Henrici Patris nostri. Ita quod nullus Burghensium prædictorum (b) nisi residens fuerit in prædicta Villa de Helleston has habebit libertates. His testibus W. Comite Sarum, W.

Briwer, Roberto de Turnham, Roberto de Tresgos, Sim. de Patehul, Radulpho de Stok, Eustachio de Faruberge. Data per manum S. Wellensis Archidiaconi apud Craneburn decimo quinto die Aprilis, Anno Regni nostri secundo.

Johannes Dei gratia, &c. Noveritis nos ad instantiam & petitionem venerabilis Patris nostri Johannis Norwicensis Episcopi Secundi, concessisse & hac præfenti Carta nostra confirmasse quod Villa de Lenna sit liber Burgus in perpetuum, & habeat omnes libertates & liberas consuetudines quas (c) liberi Burgi habent, omnibus salvis ipsi Episcopo & Successoribus suis, & Willielmo Comiti Arundell, & hæredibus suis libertatibus & consuetudinibus quas ipsi in prædicta Villa antiquitus habuerunt. Quare volumus & firmiter præcipimus quod prædicta Villa de Lenna sit liber Burgus in perpetuum & habeat omnes libertates & consuetudines liberas quas liberi Burgi nostri habent in omnibus bene & in pace, libere & quiete, & integre, plenarie & honorifice sicut prædictum est. Testibus Domino Cantuariensi Archiepiscopo, W. London Episcopo, G. filio Petri Comite Essex, R. Comite Cef-

Rot. Cart.
5. Johan.
n. 112.
Nº 9.

(b) Note here, if the Burghesses were not resident in the Burgh, they were not to enjoy the Liberties of it.

(c) Note, from hence it appears there were a certain number of Liberties, which made a free Burgh, and they were no other than what were usually granted by Charter to free Burghs, and such as are ordinarily mentioned in these Charters.

B. 4

trize,

triæ, Gaufrido de Say, &c. Data per manum Summi Præpositi de Beverl, &c. apud Lamhe
Vicesimo Septimo Die Januarii Anno Regni nostri quinto.

Cart. 2.
Johan.
n. 19.
N. 10.

Johannes Dei Gratia, &c. Sciatis non concessisse & hac præsentī Carta nostra confirmasse hominibus de Hertlepole quod sin liberi Burghenses, & quod habeant easdem libertates & leges in Villa sua de Hertlepole quos Burghenses nostri de Novo Castello super Tinam habent in Villa sua de Novo Castello. Quare volumus & firmiter præcipimus quod prædicti Burghenses habeant & teneant prædictas libertates & leges bene, & in pace, libere, & quiete, & integre sicut prædictum est. His Testibus Willielmo de Stutevill, Hugone Bard, Petro de Patell, Willielmo Briwer, Hugone de Neville, Roberto de Ros, Eustachio de Vescy. Petro de Bruis, &c. Data per manum S. Wellensis Archidiaconi apud Dunelm. Octavo Dei Februarii, Regni nostri Anno Secundo.

Claus. 22.
H. 6 m.
25. Dorf.
De Proclamatione faciēda.
N. 11.

REX Majori & Vicecomitibus London, Salutem. Cum per Cartas Progenitorum nostrorum quondam Regum Angliæ quas confirmavimus, concessum sit Civibus nostris Civitatis prædictæ quod Majorem & Aldermanos de se ipsis quos voluerint eligant & ipsos, nobis apud Westmonasterium non existentibus, Thesaurario & Baronibus nostris de Scaccario præsentent, ut ibidem prout moris est admittantur; Ac jam intellexerimus quod quamquam hujusmodi electiones per Majorem & Aldermannos nec non discretiores dictæ Civitates ad hoc specialiter summonitos & præmunitos temporibus retroactis fieri consueverint, nonnulli tamen qui aliquod interesse in electionibus hujusmodi non habent nec habere debent electionibus illis ausu temerario se ingerunt, immiscēt, & multociens electiones, quæ rite & pacifice fierent, suis validis clamoribus & importuniis multipliciter

tipliciter impediunt & perturbant, ad intentionem quod tales eligerentur qui suis malefactis & erroribus postmodum favere possent, & ea sub dissimulatione dimittere impunita; quod si fieri permetteretur, in nostri ac Coronæ & dignitatis nostræ læsionem, nec non status Cavitatis prædictæ subversionem civiumque nostrorum ibidem perturbationem & commotionem cederet manifeste. Nos igitur quieti & tranquillitati populi nobis subjecti providere & congruum remedium in hac parte volentes adhibere, ut tenemur, vobis præcipimus firmiter injungentes, quod ante tempus electionis Majoris Civitatis prædictæ proximo faciendæ per totam Civitatum illam & libertatem ejusdem ex parte nostrâ publice proclamari & firmiter inhiberi faciatis, ne quis hujusmodi electioni nisi qui de jure & secundum consuetudinem Civitatis prædictæ interesse debeat, illi interfit, quovis modo nec se de electione illa quoquo quæsito colore intromittat, neque eam impediat, vel perturbet, sed quod electio illa per Aldermannos & alios Cives discretiores & potentiores Civitatis prædictæ ad hoc specialiter præmunitos & summonitos fiat & habeatur, prout secundum consuetudinem supradictam fuerit facienda. Scientes pro certo, quod si quem alio modo quam ut præmittitur electum nobis vel Thesaurario & Baronibus de Scaccario præsentaveritis, illum nullatenus admittemus, & omnes illos quos contrarium proclamationis & inhibitionis prædictarum inveneritis facientes arestetis, & eos prisonæ nostræ committatus ibidem moraturos, quousque pro eorum deliberatione duxerimus demandandum. Teste Rege apud Westmonasterium Septimo die Octobris.

Per Consilium.

EDwardus Dei Gratia Rex Angliæ, Dominus Hiberniæ & Dux Aquitanæ Vicecomiti Bedford & Buckingham, Salutem. Quia ordinavimus quod Edwardus filius noster primogenitus in festo Pentecostes proximo futuro, Deo propitio, cingulo Militiæ decoretur, per quod de jure Coronæ nostræ in hujusmodi casu auxilium fieri nobis debet, tibi præ-

Retorn.
Brev. Parl
34 Ed. 1.
& Claus.
34 Ed. 1.
m. 15. in
Cedula.
N. 12.

præcipimus quod de utroque Comitatu tuo duos Milites & de qualibet Civitate in Balliva tua duos Cives & de quolibet Burgo duos Burgenſes vel unum ſecundum quod Burgo fuerit major vel minor venire facias coram nobis & conſilio noſtro apud Weſtmonaſterium in Craſtino Sanctæ Trinitatis proximo futuræ ad tractandum & ordinandum de auxilio nobis in caſu prædicto faciendo, & ad conſentiendum hiis quæ ordinabuntur in hac parte. Scire etiam facias Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, & aliis viris religioſis per totam Ballivam tuam quod per ſe vel ſufficientes procuratores vel attornatos ſuos tunc ſint ibidem ad tractandum & ordinandum ſimiliter de præmiſſis ac ad conſentiendum eiſdem prout ſuperius eſt expreſſum, & habeas ibi nomina Militum, Civium & Burgenſium prædictorum, & hoc Breve. Teſte Meiſſo apud Wynton quinto die Aprilis, Anno Regni noſtri triceſimo quarto.

*Inter Communia Brevia de Terminis Sanctæ Trinitatis, Anno Regni Regis Ed. 1.
34 Rot. vel N. 40. penes Remen. Regis in Scaccario.*

Anglic.
de auxilio
Conceſſio
ad Militiam
Regis.
N. 13.

Memorandum quod cum nuper Dominus Rex ordinaffet quod Edwardus filius ſuus primogenitus in feſto Pentecoſtes, Anno Regni ſui triceſimo quarto Cingulo Militiæ decoraretur, Et Mandatum eſſet Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & aliis Magnatibus Regni quod eſſent coram ipſo Domino Rege & Concilio ſuo apud Weſtmonaſterium in Craſtino Sanctæ Trinitatis proxima ſequenti ad tractandum & ordinandum de auxilio Regis faciendo ad Militiam prædictam & ad conſentiendum hiis quæ ulterius ordinarentur in hac parte, vel quod procuratores aut attornatos ſuos ſufficienter inſtructos ad præmiſſa loco eorum facienda mitterent tunc ibidem.

Ac etiam præceptum fuiſſet ſingulis Vicecomitibus Angliæ, quod eorum quilibet venire faceret de Comitatu

mitatu suo ad præfatos diem & locum duos Milites & de qualibet Civitate Ballivæ suæ duos Cives, & de quolibet Burgo ejusdem Ballivæ suæ duos Burgeneses, vel unum, &c. ad tractandum, ordinandum & consentiendum sicut prædictum est.

Venerunt personaliter coram Rege & Concilio suo apud Westmonasterium, ad diem illum Antonius Bek Patriarcha Jerosolomitani Episcopus Dunelmensis, W.

de Langeton Coventrensis & Lichfieldensis, Radulfus de Baldok London, Episcopi, H.

de Lacy Comes Lincolnæ, J.

de Warennia Comes Surriæ, R.

de Monte

Hermerii Comes Gloucestriæ & Hertfordiæ, H.

de Boun Comes Herefordiæ, G.

de Bello

Campo Comes Warrwici, Robertus filius Walteri, Hugo le Dispenser, Johannes de Hastings, Hugo de Veer, Willielmus Martyn, Henricus le Tyeys, Johannes Lovel, Rogerus de Mortuomari, Johannes de Mohum, Alanus la Zouche, Willielmus de Leyburn, & Robertus de Burghersh, Custos Quinque Portuum cum quibusdam Baronibus Portuum eorundem.

Ac etiam per Procuratores & Attornatos Robertus Cantuariensis & Willielmus Eborum Archiepiscopi, Thomas Exoniensis, Ricardus Herefordensis, Johannes Wintoniensis, Johannes Ciceſtrenſis, Thomas Rosſenſis, Robertus Elyensis, Johannes Norwicensis, Johannes Lincolnensis, Simon Sarum, Willielmus Wigorniensis, Walterus Bathoniensis & Wellensis, & Johannes Karliolensis Episcopi; Abbates Westmonasterii, Sancti Edmundi, Sancti Augustini Cantuariæ, Sancti Albani, Glastoniæ, *Burgi* Sancti Petri, Rammeseye, Thorneye, Seleby, & Malmesbury, Sancti Petri Gloucestriæ; Rogerus Comes Norfolciæ & Mareſcallus Angliæ, Thomas Comes Lancastrensis, Edmundus Comes Arundel, & quam plures alii Prælati, Magnates, & Proceres Regni, nec non de quolibet Comitatu Regni ejusdem duo Milites, & de quolibet Civitate duo Cives & de quolibet *Burgo* duo *Burgeneses* electi per Communitates Comitatum, Civitatum, & *Burgorum* eorundem ad præmissa, loco Communitatum eorundem, tractanda, ordinanda & consentienda similiter venerunt.

Quibus

Quibus prædictis omnibus congregatis coram Concilio Regis prædicto ipsisque ostenso per idem Concilium ex parte Regis quod de jure Coronæ Regiæ auxilium Domino Regi fieri debuit in casu prædicto; Ac etiam quod expensæ multiplices & alia quam plura onera eidem Domino Regi incumbent ad rebellionem & malitiam Roberti de Brus proditoris ipsius Domini Regis & sibi in partibus Scotiæ adhærentium, qui adversus ipsum Regem jam in illis partibus guerram movere præsumpserunt, reprimendas.

Iidem Prælati, Comites, *Barones*, & alii Magnates, nec non Milites Comitatum Tractatum super hoc cum deliberatione habentes considerantesque auxilium deberi ut prædictum est, & quam plura onera Regi incumbere propter guerram prædictam, tandem unanimiter Domino Regi concesserunt pro se & tota Communitate Regni tricesimam partem omnium bonorum suorum temporalium mobilium, quæ ipsos habere continget in Festo Sancti Michaelis proximo futuro, habendam pro auxilio eidem Domino Regi competente ad Militiam filii sui prædicti, ac etiam in Auxilium Misarum quas ipse est factururus circa guerram prædictam; ita tamen quod ista concessio ipsis vel eorum Successoribus aut hæredibus futuris temporibus nullatenus cedat in præjudicium, nec in casu hujusmodi trahatur in exemplum, & quod in taxando bona prædicta excipiantur omnia quæ in taxatione Quintæ-Decimæ a Communitate Regni Domino Regi anno Regni sui decimo octavo concessæ propter exilium Judæorum fuerent excepta.

Cives quidem & *Burgenses* Civitatum ac *Burgorum* ac cæteri de Dominicis Regis congregati & super præmissis tractatum habentes considerantesque onera Domino Regi incumbencia ut præmittitur, eidem Domino Regi unanimiter concesserunt ob causas supradictas vicesimam partem bonorum suorum mobilium habendam ut prædictum est.

Inter Memorandum quod ad crastinum Sanctæ Trinitatis proximo præteritum Prælati & cæteri Magnates Regni pro se & tota Communitate ejusdem Regni concesserunt Domino Regi Tricesimam bonorum suorum omnium temporalium extra Civitates, *Burgos*, & Dominica Domini Regis; & Cives, & *Burgenses*, & tenentes Dominicorum prædictorum, vicesimam

Inter
Commu-
nia Brevia
de Term.
Sancti
Michael.
Anno 34
Ed. 1. pe-

finam bonorum suorum tam ad Militiam Edwardi filii Regis prædicti, quam ad subsidium defensionis terræ Scotiæ contra Robertum de Brus, & ipsius Complices inimicos Regis, &c.

nes Remem.
Thesaurar. in
Saccario.

HÆC Indentura facta apud Ivelcestre Die Lunæ 12 Die Novembris, Anno Regni Regis Henrici Quinti post Conquestum secundo inter Walterum Hungerford Militem Vicecom. Somerset in pleno Comitatu eodem Die ibidem tento ex parte una, & Radulphum Hunt Majorem Civitatis Bathon. Johannem Skittish, Johannem Savage, & Johannem Haygoby Cives Civitatis prædictæ, que de assensu totius Communitatis Civitatis prædictæ, Eligerunt Ricardum Wydecombe, & Willielmum Rade Stoke Duos Cives pro Communitate Civitatis prædictæ, Essend. apud Westminster ad Parlamentum Domini Regis tenendum Die Lunæ proximo post Octavas Sancti Martini proximo futuras, secundum formam Brevis Domini Regis quod est huic annex. eidem Vicecomiti inde Direct. & Johannem Herewode, Johannem Ruffel, Walterum Dyere, & Lucam Wilton *Burgenses Burgi* de Wells, qui in forma prædicta Eligerunt Thomam Dynt, & Johannem Hlndon duos *Burgenses Burgi* prædicti Essend. tunc ibidem pro Communitate *Burgi* prædicti secundum formam prædicti Brevis. Et Johannem Ward, Willielmum Goffe, Ricardum Ward, & Thomam Cave, *Burgenses Burgi* de Bruggewater, qui in forma prædicta Eligerunt Willielmum Gascoigne, & Johannem Redwelly duos *Burgenses Burgi* prædicti secundum formam dicti Brevis. Et Thomam Wiger, Walterum Portman, Edmundum Tailleir, & Johannem Northmore, *Burgenses Burgi* de Taunton, qui in forma prædicta Eligerunt Johannem Merchant & Edmundum Dyere duos *Burgenses Burgi* prædicti, Essend. tunc ibidem pro Communitate *Burgi* prædicti secundum formam prædicti Brevis, Dantes & Concedentes Civibus & *Burgensibus* prædictis plenam & sufficientem potestatem, pro se & Communitate Civitatis & *Burgorum* prædictorum ad faciendum &

Return.
Parl. 2
Hen. 5.
N. 14.

con-

consentiendum iis quæ tunc ibidem de Communi Consilio ordinari contigerit super negotiis inibi Tractandis. In cujus Rei Testimonium, &c.

Here were Returned to this Parlement Citifens only for the City of Bath, and three Burghs, Wells, Bridgwater and Taunton in the County of Somerset. Three of the present Burghs being omitted, Minehead, Milborn-Port and Ilchester, notwithstanding the County-Court was holden there, in which the Election was made.

The words of the Indenture or Return for Dorsetshire for this Parlement are the same with the words of this, (mutatis mutandis) there being then the same Sheriff for both Counties. Pool and Corf-Castle, two only of the present Burghs, were omitted.

Breve &
Retorn.
Parl. 2
Hen. 5.
Wiltshire.
N. 15.

HENRICUS Dei gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ Vicecomiti Wilts, Salutem : Quia de avifamento consilii nostri, pro quibusdam arduis & urgentibus negotiis nos, statum & defensionem regni nostri Angliæ ac Ecclesiæ Anglicanæ contingentibus, quoddam Parlamentum nostrum apud Westmonast. die Lunæ proximo post Octavas Sancti Martini proximo futuras teneri ordinavimus, & ibidem cum Prælatiis, Magnatibus & Proceribus dicti regni nostri colloquium habere & tractatum : Tibi præcipimus firmiter injungentes, quod facta proclamatione in proximo Comitatu tuo post receptionem hujus Brevis, tenend. de die & loco prædictis, quos Milites gladiis cinctos, magis idoneos & discretos de Comitatu prædicto ; & de qualibet Civitate Comitatus illius duos Cives ; & de quolibet Burgo duos Burghenses de discretioribus & magis sufficientibus libere & indifferentur per illos qui Proclamationi hujusmodi interfuerint, juxta formam statuti inde editi & provisi, eligi ac nomina eorundem Militum Civium & Burghensium sic eligendorum in quibusdam Indenturis inter te & illos, qui hujusmodi electioni interfuerint, inde conficiendis, licet hujusmodi eligendi præsentis vel absentes fuerint, inferi eosque ad dictos diem & locum venire facias. Ita quod

quod iidem Milites plenam & sufficientem potestatem pro se & Communitate Comitatus prædicti & dicti Cives & Burghenses pro se & Communitatibus Civitatum & Burgorum prædictorum divisim ab ipsis habeant ad faciend. & consentiend. hiis, quæ tunc ibidem de communi consilio dicti regni nostri, favente domino, ordinari contigerit super negociis antedictis. Ita quod pro defectu potestatis huiusmodi seu propter improvidam electionem Militum. Civium aut Burghensium prædictorum dicta negocia infecta non remaneant quovis modo. Nolumus autem, quod tu seu aliquis alius Vicecomes regni nostri prædicti aliquali-ter sit electus & electionem tuam in pleno Comitatu tuo factam distincte & aperte sub sigillo tuo & sigillis eorum, qui electioni illi interfuerint, nobis in Cancellaria nostra ad dictos diem & locum certifies indilate, Remittens nobis alteram partem Indenturarum prædictarum præsentibus consutam, una cum hoc Brevi. Teste meipso apud Westmonast. Vice-simo sexto die Septembris, Anno Regni nostri secundo.

WROTEHAM.

Dorso. *Ego Elias de la Mare, Vicecomes, vobis significo, quod Breve istud in omnibus executum secundum tenorem & effectum ejusdem, prout in altera parte Indenturarum inde confectarum & in quadam cedula huic Brevi consutâ plenius continetur.*

HÆC Indentura facta apud Wilton in pleno Comitatu Wilts, tento die Martis proximo ante festum Omnium Sanctorum, Anno Regni Regis Henrici quinti post Conquestum secundo inter Eliam de la Mare Vicecomitem Comitatus prædicti ex parte una, & Willielmum Danngens, Johannem atte Borwe, Willielmum Befiles, Robertum Erle, Nicholaum Lye, Robertum Afshelegh, Thomam Martyn, Johannem Wichford, Laur. Gowayn, Thomam Godefray, Johannem Brid, Johannem Benger, Johannem Byngham, Johannem Niweton, Henr. Stauley, Johannem Perham, Rogerum Alewyne,

wyne, Johannem Hardy, Thomam Hat, Thomam Vellard, Johannem Billyndon, Rogerum Wodman, Johannem Coof, Thomam Shawe, Thomam Stabere, Ricardum Hoke, Jacobum Hemyingby, Galfridum Cowebrigge, Willielmum Dependen, & Johannem Warham ex parte altera, testatur quod prædictus Willielmus Danngens & omnes alii superius nominati ad diem & locum supradictos existentes, & per prædictum Vicecomitem Virtute Brevis Domini Regis eidem Vicecomiti directi & huic Indenturæ confuti singulariter examinati elegerunt Willielmum Esturmy Chivaler, & Thomam Bonham Milites pro Communitate Comitatus prædicti, & similiter elegerunt Walterum Shirle & Johannem Becket Cives pro Communitate Civitatis Novæ Sarum, Johannem Harleston & Johannem Whithorn Burgenfes pro Communitate Burgi de Wilton, Willielmum Covyntre & Thomam Covyntre Burgenfes pro Communitate Burgi de Devyses, Thomam Hiwey & Johannem Goore Burgenfes pro Communitate Burgi de Malmesbury, Johannem Brid & Thomam Hatheway Burgenfes pro Communitate Burgi de Marleborgh, Robertum Salman & Robertum Roude Burgenfes pro Communitate Burgi de Calne in Comitatu prædicto, ad omnia & singula juxta tenorem prædicti Brevis in Parlamento dicto Domini Regis apud Westmonast. die Lunæ proximo post Octavas Sancti Martini proximo futuras, assign. & ordinat. cum aliis communicand. tractand. faciend. similiter & terminand. prout dictum Breve exigit & requirit. In cujus rei testimonium, uni parti istius Indenturæ penes prædictum Vicecomitem remanenti prædictus Willielmus & omnes alii superius nominati sigilla sua apposuerunt; Alteri vero parti ejusdem Indenturæ penes prædictum Willielmum & omnes alios superius nominatos residenti, prædictus Vicecomes sigillum suum apposuit. Dat. die, loco & anno supradictis.

Nomen

*Nomina Militum, Civium & Burgenſium
Comitatus Wilts, Electorum ad Parlia-
mentum Domini Regis apud Weſtmonaſt.
die Lunæ proximo poſt Octavas Sancti
Martini, Anno Regni Regis Henrici
quinti poſt Conqueſtum ſecundo.*

<i>Wilts.</i>	<i>Manuſcriptores Willielmi Eſturmy Chivaler, unius Militum electi pro ſe & Communitate Comitatus prædicti ad Parliamentum prædictum.</i>	<i>Petrus Braknal. Willielmus Rey- mond.</i>
	<i>Manuſcriptores Thomæ Bonham alterius Militum electi ad Parliamentum prædictum.</i>	<i>Johannes Denyas. Johannes Gory.</i>
<i>Civitas Nove Sarum.</i>	<i>Manuſcriptores Walteri Shirle unius Civium Civitatis prædictæ electi ad Parliamentum prædictum.</i>	<i>Johan. Durneford. Johan. Coſcombe.</i>
	<i>Manuſcriptores Johannis Beckot alterius Civium ejusdem Civitatis electi ad Parliamentum prædictum.</i>	<i>Willielm. Donyng. Willielmus Slegge.</i>
<i>Wilton.</i>	<i>Manuſcriptores Johannis Harleſton unius Burgenſ. ejusdem Burgi electi ad Parliamentum prædictum.</i>	<i>Johannes Perſhore. Johannes Richman.</i>
	<i>Manuſcriptores Johannis Whithorn alterius Burgenſ. ejusdem Burgi electi ad Parliamentum prædictum.</i>	<i>Ricardus Lamprey. Johannes Digon.</i>
<i>Devys.</i>	<i>Manuſcriptores Willielmi Covyntre unius Burgenſium ejusdem Burgi electi ad Parliamentum prædictum.</i>	<i>Johannes Pſhore. Johannes Richman.</i>
	<i>Manuſcriptores Thomæ Covyntre alterius Burgenſ. ejusdem Burgi electi ad Parliamentum prædictum.</i>	<i>Willielmus Neck. Henricus Lamkyn.</i>

C

Malmſbury.

<i>Mamby.</i>	{	Manuceptores Thomæ Hiwey unius Burgenf. ejus- dem Burgi electi ad Parlia- mentum prædictum.	}	<i>Nicholaus Penpas.</i> <i>Willielmus Palmer.</i>
		Manuceptores Johannis Goore alterius Burgenf. ejusdem Burgi electi ad par- liamentum prædictum.		<i>Ricardus Felice.</i> <i>Willielm. Robardes.</i>

<i>Marlborgb.</i>	{	Manuceptores Johannis Brid unius Burgenf. ejus- dem Burgi electi ad Parlia- mentum prædictum.	}	<i>Ricardus Hesham.</i> <i>Johannes Bide.</i>
		Manuceptores Thomæ Hathewey alterius Burgenf. ejusdem Burgi electi ad Par- liamentum prædictum.		<i>Johann. Shirwode.</i> <i>Willielmus Warner.</i>

<i>Calne.</i>	{	Manuceptores Roberti Salman unius Burgenf. ejus- dem Burgi electi ad Parlia- mentum prædictum.	}	<i>Robertus Grene</i> <i>Robertus Lary.</i>
		Manuceptores Roberti Roude alterius Burgenf. ejusdem Burgi electi ad Par- liamentum prædictum.		<i>Willielmus Stokke.</i> <i>Johannes Domel.</i>

*The Sberiff, notwithstanding he says in that part of the Return before the Indenture, That he had in all things executed the Writ according to the Tenor and Effect thereof, yet returned only two Citifens for New Sarum, and Burgesfes for only five Burghs: having omitted nine of the present Burghs, viz. Downton, Hindon, Westbury, Heitfbury, Chippenham, Cricke-
lade, Bedwin, Lutterthai, Old Sarum, and Woot-
ton-Basset; and the Citifens and Burgesfes sent to this Parlement were chosen by the same Persons, that chose the Knights of the Shire.*

Retorn.
Parl. 2.
Hen. 5.

The Return for Devonshire for the same Parlement was without Indenture, only the Names of the Knights, Citifens and Burgesfes, with their Manuceptores or Sureties, were returned. And that two Citifens only for Exon,

Exon, and Burgeses for five Burghs, Plympton, Tottones, Tavystok, Barnstaple, and Dertmouth; and then the Return is closed with these words, Et non sunt plures Civitates, seu Burgi infra Comitatum prædictum. The Sheriff having omitted six of the present Burghs, viz. Plymouth, Okehampton, Honiton, Ashburton, Beralston, and Tiverton.

REX universis & singulis Vicecomitibus, Majoribus, Ballivis, Constabulariis, Ministris & aliis fidelibus suis tam infra libertates quam extra ad quos, &c. Salutem. Sciatis, quòd cùm secundum consuetudinem in regno nostro Angliæ hætenus obtentam & approbatam, homines de antiquo dominico Coronæ Angliæ quieti sint & esse debeant a præstatione Theolonei per totum regnum Angliæ: Vobis mandamus, quòd homines de Manerio de Aisbertone, quod de antiquo Dominico Coronæ Angliæ existit, sicut per quandam Certificationem per Thefaurarium & Camerarios Domini Ricardi nuper Regis Angliæ secundi post conquestum in Cancellarium suam de Mandato ipsius nuper Regis missam, & in filaciis Cancellariæ ejusdem nuper Regis residentem plenè liquet, de hujusmodi præstatione Theolonei vobis præstanda quietos esse permittatis, juxta consuetudinem supradictam. In cujus, &c. Teste Rege apud Westmonast. vicefimo sexto die Aprilis.

Pat. 3.
H. 4. p. 2.
M. 23.
N. 16.

Note this then a Town in Antient Demeasyn, and no Burgh, yet in 26 E. 1. and 8 Hen. 5. it sent Members to Parlemt.

*London. by Inspeximus, Tempore Hen. 1.
Hen. 2. Ric. 1.*

REX omnibus ad quos, &c. salutem. Inspeximus tenorem Cartæ Domini * Henrici quondam Regis Angliæ Progenitoris nostri factam in hæc verba. Henricus Dei gratia Rex Angliæ Archiepiscopo

Pat. 2. p.
4. p. 5.
M. 23.
Hen. 1.
N. 17.

episcopo Cantuariensi, & Episcopis, & Abbatibus, & Comitibus, & Baronibus, & Justiciariis, & Vicecomitibus & omnibus fidelibus suis Francis & Anglicis totius Angliæ, Salutem. Sciatis me concessisse Civibus meis Londoniæ *Tenendum* Middlesexiam ad firmam pro trecentis libris ad computum ipsis & hæredibus suis de me & hæredibus meis. Ita quod ipsi Cives *ponent* Vicecomitem qualem voluerint de seipsis & Justiciarium quencunque vel qualem voluerint de seipsis ad custodienda placita Coronæ meæ, & ad eadem placitanda, & nullus alius erit Justiciarius super ipsos homines Londoniæ, & Cives non placitabunt extra muros Civitatis pro ullo placito, & sint quieti de (a) *Scot*, & de (b) *Loth*, & de (c) *Danegeld*, & de (d) *Murdro* & nullus eorum faciat bellum, & siquis Civium de placitis Coronæ implacitatus fuerit per (e) *Sacramentum* quod judicatum fuerit in Civitate se *disfrationet* homo London, & infra muros Civitatis nullus (f) hospitetur, neque de mea familia neque de alia vi alicui hospitium liberatur. Et omnes homines Londoniæ sint quieti & liberi, & omnes eorum res per totam Angliam & per portus maris de Theoloneo & Passagio & Lestagio & omnibus aliis consuetudinibus, & Ecclesiæ & Barones (g) & Cives habeant & teneant

(e) Shall
purge
himself by
Oath.

Scot and
Loth what?
Danegeld
what?
Murder
what?

(a) (b) *Scot* and *Loth*, Publick Impositions or Contribution.

(c) *Danegeld*. See Notes upon the Charter of *Yarmouth*.

(d) *Murdrum*, signifies not only the Crime, but the Mult or Pecuniary Punishment for that Crime. So that to be free from Murder, was, that the place where the Murder was committed, and the Murtherer fled, should not be Fined or Amerced for not producing of him. See *Leg. Ed. Conf. c. 15. Gul. 1. c. 26. 46 Hen. r. c. 91.*

No Stranger
to be
lodged in
the City
of London,
&c.

(f) No Stranger in these times was lodged, or had his abode in the City, unless placed by the Kings Marshal, or by the Guardian, or Alderman of the Ward or Liberty, and for his being so lodged or placed, he gave to him or his Servant Custom, *i. e.* Money, as below.

(g) Barons. The Citizens or Men of London, who for the Dignity of the City, and Antient Liberties of the Citizens, were wont to be called Barons. *Quos propte Civitatis*

teneant bene & in pace (*h*) Socas suas cum omnibus consuetudinibus. Ita quod hospites qui in Sokis hospitabuntur nulli dent consuetudines, nisi illi cujus (*i*) Soka fuerit vel ministro suo quem ibi posuerit, & Homo Londoniæ non judicetur in misericordia pecuniæ nisi ad fa (*k*) Were, scilicet ad centum Solidos, dico

Civitatis Dignitatem, & Civium antiquam Libertatem Barones consuevimus appellare, Paris in A. D. 1253. The same Author in A. D. 1258. Londinum destinati convocaverunt totius Civitatis Cives quos Barones vocant, being sent to London they called together the Citifens of the whole City, which they call Barons. But for the latter part of the Reason which the Monk gives, why they were called Barons, it was only his Fancy: For Baron was a Norman or French word, and came in use here after the Conquest; so that the Citifens could not have that Appellation for any antient Liberties they enjoyed, for it was then but 187 years since the Conquest, which was not time enough to make them Antient, according to the meaning of the word in such Cases. And further, the Citifens of York and Chester, the Burgeses of Warmick, and of other famous Cities and Towns that were Endowed with large and Royal Privileges, were called Barons, yet the Citifens or Burgeses, or Inhabitants of any of these, or other places, were not so termed in Domesday-Day, nor had they then any extraordinary Liberties: Therefore since the making of that Book they must have that Title, and that for the great Privileges and Immunities granted by the King, and not otherwise; perhaps for some signal Service done him, as Sir Henry Spelman truly informs us. But the word Barones in this Charter seems to mean the better sort of Citifens, that is, the Guardians or Aldermen of the Wards; for the words are, Et Barones, & Cives, which put a Distinction between the greater and ordinary Citifens. Nor was this Appellation used here in England only, for the Citifens of Orleans, and Bourges in France, are so called.

(*b*) Their Liberties or Wards, with all Customs or Payments.

(*i*) Except to the Guardian, or as now, the Alderman of the Ward, or his Servant.

(*k*) A Citifens of London shall not be Amerced beyond his Were, that is, the price of his Head, or Life, which was 100 Shillings.

Paris mistaken in his Reason, why Londoners were called Barons.

The Citifens and Inhabitants of York, Chester and Warwick were called Barons.

**In verbo. What the Barons of London were.*

The Citifens of Orleans and Bourges in France were called Barons.

The Price of a Citifens life.

dico de placito quod ad pecuniam pertineat, & amplius non sit (l) *Meskenninge* in (m) *Hustengo* neque in (n) *Folkesmot*, neque in aliis placitis infra Civitatem, & *Hustengum* fedeat semel in Ebdomada, (o) *Pawn*. videlicet, die Lunæ, & terras & (o) *vadimoniam* & debita Civibus meis habere faciam infra Civitatum & extra, & de terris de quibus ad me clamaverint rectum eis tenebo lege Civitatis. Et si quis theoloneum vel consuetudinem a Civibus meis Londoniæ ceperit, Cives Londoniæ capiant de Burgo vel de Villa ubi theoloneum vel consuetudo capta fuerint quantum homo Londoniæ pro theoloneo dedit, & proinde de dampno receperit, & omnes debitores qui Civibus London debita debent eis reddant in Londonia vel in Londoniâ se disfractionem quod non debent, quod si reddere noluerint, neque quod non debent ad disfractionandum venire, tunc Cives Londoniæ quibus debita sua debentur capiant namia sua in Civitate London de Burgo vel Villa vel de Comitatu in quo manet qui debitum debet. Et Cives Londoniæ habeant

Meskenninge
 what?

* Col.
 957.n.10.

(l) *Meskenninge* from the Saxon *Kenninge* or *Cennan*, *citare, vocare*, and *mis*, or in French *més, mald*. So *Meskenninge* was, when one Man falsely or unduly prosecuted another, or as * *Brompton* hath it, *Mykenning*, i. e. *Variatio loquela in Curia*, a Variation of the Plea in Court; that is, when a Man changes and leaves his first Plea, and takes up another.

Husteng
 what?

Husteng
 not appropriated to
 London.

(m) *Hustengus* or *Hustengum*, either from *Hus* a House, and *Eng*, or Thing *Causa*, a House where Causes were tried. Or from the Saxon word *Huht*, or *Huhta*, *Supremum*, Highest, and *Eng*, *Judicium*, a Court or Judgment according to Mr. *Solmer*; so that *Husteng* signifies in this sense the Supreme Court of the City of London, as in truth it is. But the Name was not appropriated to the Chief Court in London only, for *Winchester*, *Lincoln*, *York*, the *Five-Ports*, and the *Isle of Shipdewy* have their *Hustings*.

Folkesmot
 what?

(n) *Folkesmot*, from *Folk*, People, or as they are often called *Folke*, and *Mote*, a Meeting or Convention. A Convention and Court of the People, which in Shires and Counties was, and now is, the *Sheriff's Turn*, and in Cities and Burghs may be called the *Burgh-Mote*, or *Sheriff's-Court*.

(p) *fugationes*

(p) fugationes suas ad fugandum sicut melius & plenius habuerunt Antecessores eorum, scilicet, in Chiltre & Middlesexe & Surreie. Testibus Episcopo Wintoniensi, & Roberto filio Richier & Hugone Bigot & Alnero de Toteneis & Willielmo de alba Spina & Huberto Regis Camerario & Willielmo de Mountfichet & Haugulfo de Taney & Johanne Beliet & Roberto filio Siwardi apud Westmonasterium. (p) Their Huntings.

There is the same Charter by Inspeximus in 1 Hen. 4. 25 Maii.

INSPEXIMUS insuper cartam Domini Henrici Secundi quondam Regis Angliæ Progenitoris nostri factam in hæc verba. Henricus Rex Angliæ, & *Dux Normanniæ & Aquitaniæ & Comes Andegaviæ* Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris & omnibus fidelibus suis Francis & Anglis totius Angliæ, Salutem. Sciatis me concessisse Civibus meis Londoniæ quod nullus eorum placeat extra muros Civitatis Londoniæ de ullo placito præter placita de tenuris exterioribus (exceptis (a) Monetariis & Ministris meis.) Concessi etiam eis quietanciam Murdri infra urbem & in * (b) Portfoka, & quod nullus eorum faciat duellum, & quod de placitis ad Coronam pertinentibus se possint (c) distracionare secundum antiquam consuetudinem Civitatis prædictæ, & quod infra muros Civitatis nemo capiet hospitium per vim vel per liberationem Marescalli. Hoc etiam eis concessi, quod omnes Cives Londoniæ sint quieti de Theoloneo & Lestagio per totam Angliam & per portus maris, & quod nullus de (d) misericordia pecunie judicetur nisi secundum legem Civitatis quam habuerunt tempore Regis Henrici Avi mei, & quod in Civitate in nullo placito sit Meskenninga, & quod Hustingum semel tantum in ebdomada teneatur, & quod terras suas & tenuras & vadimonia & omnia de-

Hen. 2.

(a) Which were reserved to his own Court.

* See Notes on this Charter.

(c) Vide Cart.

Hen. 1.

(d) Vide Cart.

Hen. 1.

(b) Portfoka, the extent of their Jurisdiction or Liberty from the the Gates of the City. Portfoka. what?

bita iuste habeant quicunque eis debeat. Et de terris suis & tenuris quæ infra urbem sunt rectum eis teneatur secundum consuetudinem Civitatis, & de omnibus debitis suis quæ accommodata fuerint apud Londoniam, & de vadimoniis ibidem factis *placita* apud Londoniam teneantur. Et si quis in tota Anglia Theoloneum vel consuetudinem ab hominibus Lundoniæ ceperit, postquam ipse a recto defecerit, Vicecomes Lundoniæ *Namium* inde apud Londoniam capiat. Concedo etiam eis, quod habeant fugationes suas ubicunque eas habuerunt tempore Regis Henrici Avi mei. Insuper etiam ad emendationem Civitatis eis concessi quod omnes sint quieti de (e) *Bridtol*, & de (f) *Childwite*, & de (g) *Jeresgieue*, & de (h) *Scotale*, ita quod Vicecomes noster Lundoniæ vel aliquis alius Ballivus Scotale non faciat. Has prædictas consuetudines eis concedo, & omnes alias libertates & literas consuetudines quas habuerunt tempore Regis Henrici Avi mei quando meliores vel liberiores habuerunt. Quare volo & firmiter præcipio, quod ipsi & hæredes eorum hæc omnia prædicta hæreditarie habeant & teneant de me & de meis hæredibus.

Testibus T Archiepiscopo Cantuariensi
 R Episcopo Londinensi Ph Episcopo
 Baiocensi, Ern Episcopo Loxoviensi,
 T Cancellario, R de novo Burgo
 R de Sancto Walrico R de Wa-
 renna Walth Maminot Ricardo de Lucy
 Guar filio Geroldi Ma Bised Loç
 de Ballolio, apud Westmonasterium.

Bridtol. (e) *Bridtol*, that is, *Bridge-Toll*, Money paid for passing over a Bridge.

Childwite and Leirwite (f) The same with *Leirwite*, Money paid, or a punishment for corrupting a *Bond-Maid*.

Jeresgieue (g) *Jeresgieue*, or *Geresgieue*, the same that *Geresuma*, a Bribe or Reward given to the Kings or other Officers, for Connivence, and being favourable in their Office.

what? (h) *Scotale*, See the notes upon *Walingford* Charter, Letter (a).

Scotale
what?

IN-

Inspeimus etiam Cartam Domini Ricardi primi Ric. 1. quondam Regis Angliæ Progenitoris nostri factam in hæc verba. Ricardus Dei Gratia Rex Angliæ, *Dux Normanniæ, Aquitaniæ Comes Andegaviæ*, Archiepiscopus, Episcopus, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris, & omnibus fidelibus suis Francis & Anglis totius Angliæ, Salutem. Sciatis nos concessisse Civibus nostris Londoniæ, quod nullus eorum placitet extra muros Civitatis Londoniæ de ullo placito præter placita de tenuris exterioribus (exceptis Monetariis & Ministris nostris.) Concessimus etiam eis quietanciam Murdri infra urbem & in Portsoka, & quod nullus eorum faciat duellum, & quod de placitis ad Coronam pertinentibus se possint * distracionare secundum antiquam consuetudinem Civitatis, & quod infra muros Civitates nemo capiat hospitium per vim vel per liberationem Marefcalli. Hoc etiam eis concessimus quod omnes Cives Londoniæ sint quieti de Theoloneo & Lestagio per totam Angliam & per portus maris, & quod nullus de misericordia pecuniæ judicetur nisi secundum legem Civitatis quam habuerunt tempore Regis Henrici Avi Henrici Patris nostri. Et quod in Civitate in nullo placito sit Veskenninga, & Hustingum semel tantum in ebdomada teneatur, & quod terras suas & ténuras, & vadimonia & debita omnia juste habeant quicunque eis debeat, & de terris suis & tenuris quæ infra urbem sunt rectum eis teneatur secundum consuetudinem Civitatis, & de omnibus debitis suis quæ accommodata fuerint apud Londoniam teneantur. Et si quis in tota Anglia Theoloneum vel consuetudinem ab hominibus Londoniæ ceperit postquam ipse a recto defecerit, Vicecomes Londoniæ *namium* inde apud Londoniam capiat. Concedimus etiam eis quod habeant fugationes suas ubicunque eas habuerunt tempore Regis Henrici Avi Henrici Patris nostri. Insuper etiam ad emendationem Civitatis eis concessimus, quod omnes sint quieti de Bridtol, & de Childwite, & de Jerefגיעue, & de Scotale, ita quod Vicecomes noster Londoniæ vel aliquis alius Ballivus Scothale non faciat. Has prædictas consuetudines eis concedimus & omnes alias libertates & liberas consuetudines quas habuerunt tempore Regis Henrici Avi Henrici Patris nostri quando meliores vel

* Vid.
Chartam.
Hen. 1.

liberiores habuerunt. Quare volumus & firmiter præcipimus, quod ipsi & hæredes eorum hæc omnia prædicta hæreditarie habeant & teneant de nobis & hæredibus nostris. Testibus Huberto Cantuariensi Archiepiscopo, Ricardo Londinensi, Hugone Dunelmensi, Gileberto Roffensi, Hugone Lincolnensi Episcopis, Ran Comite Cestriæ, Ricardo Comite de Clare, Willielmo Marefcallo, Rogero Bigot, Guafrido filio Petri, Hugone Bardolfe, Willielmo Briewer, Willielmo de Warennæ. Data per manum Willielmi Eliensis Episcopi Cancellarii nostri apud Wintoniam Vicefimo secundo die Aprilis, Anno Regni nostri quinto.

- Ric. 1. **I** Nspeximus insuper quandam aliam cartam ejusdem
 Chart. 2. Domini Regis Progenitoris nostri factam in hæc verba. *Ricardus Dei Gratia Rex Angliæ, Dux Normanniæ, Aquitanniæ, & Comes Andegaviæ*, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Senescallis, Castellanis, Constabulariis, Ballivis, Ministris & omnibus fidelibus suis, Salutem. Noverit *Universitas* vestra nos pro Salute animæ nostræ & pro Salute animæ Henrici Regis Patris nostri, & animarum antecessorum nostrorum, necnon & pro communi utilitate Civitatis nostræ Londoniæ, & totius Regni nostri concessisse, & firmiter præcepisse, ut omnes Kidelli qui sunt in *Thamisia* amoveantur ubicunque fuerint in *Tamisia*; & ne de cætero Kidelli alicubi ponantur in *Tamisia*. Quietum etiam clamavimus omne id quod Custodes Turris nostræ Londoniæ annuatim percipere solebant de prædictis Kidellis. Quare volumus & firmiter præcipimus, ne aliquis Custos præfatæ Turris aliquo tempore post hoc aliquid exigit ab aliquo, nec aliquam demandam aut gravamen sive molestiam alicui inferat occasione prædictorum Kidellorum. Satis enim nobis constat, & per venerabilem Patrem nostrum Hubertum Cantuariensem Archiepiscopum & per alios fideles nostros nobis sufficienter datum est intelligi, quod maximum detrimentum & incommodum prædictæ Civitati nostræ Londoniæ, nec non & toti regno nostro occasione Kidellorum illorum proveniebat,

veniebat, quod ut firmam & stabile perseveret imperpetuum presentis pagine inscriptione & sigilli nostri appositione communivimus. His Testibus Huberto Cantuariensi Archiepiscopo, Johanne Comite Moritonie, Ran Comite Cestrie, Roberto Comite Leicestrie, Willielmo Comite Arundel, Comite Willielmo Marefcallo, Willielmo de Sancte Marie Ecclesia, Petro filio Hereberti, Mattheo fratre suo, Sym de Kyma, Seherio de Quinceo. Data per manum Magistri Eustachii Sarum Decani Vices Cancellarii tunc agentis apud Insulam * Andeliatam decimo quarto die Julii, Regni nostri Anno octavo.

Note this.

* Isle of Andely in Normandy.

London. i Johannis.

Johannes Dei Gratia, &c. Archiepiscopis, &c. Cart. Antiq. C. n. 26. N. 18.
Sciatis. Nos concessisse Civibus nostris Londonie, quod nullus eorum placet extra muros Civitatis Londonie de nullo placito præter placite de rebus exterioribus, exceptis Monetariis & Ministris nostris. Concessimus etiam eis quietanciam mûrdri infra urbem & in Portfocha, & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus se possint disrationare secundum antiquam consuetudinem Civitatis, & quod infra muros Civitatis neque in Portfocha nemo capiat hospitium per vim vel per liberationem Marefcalli. Hoc etiam concessimus quod omnes Cives Londonie sint quieti de Theloneo & Lestagio & omni alia consuetudine per omnes terras nostras extra mare & ultra & quod nullus de misericordia pecunie judicetur nisi secundum legem Civitatis quam habuerunt tempore Regis Henrici avi Henrici Patris nostri. Et quod in Civitate in nullo placito sit Meskenninga, & quod Hustinga semel tantum in ebdomada teneatur & quod terras suas & tenuras & vadimonia & debita omnia juste habeant quicunque eis debeant. Et de terris suis & tenuris quæ infra urbem sunt eis rectum teneatur secundum consuetudinem Civitatis, & de omnibus debitis suis quæ accommodata fuerunt apud Londoniam & de vad

* The
same with
Gereſuma,
ſee *Wal-*
lingford
Chart.

vadimoniis ibidem factis placita apud Londoniam teneantur. Et ſiquis in aliquam terrarum noſtrarum citra mare vel ultra ſive in portubus maris citra vel ultra Theloneum vel aliquam aliam conſuetudinem ab hominibus London ceperit poſtquam ipſe a recto defecerit Vicecomites London *Namium* inde apud London capiant. Conceſſimus etiam eis quod habeant fugationes ſuas ubicunque eas habuerunt tempore Regis Henrici Avi Henrici Patris noſtri. Inſuper etiam ad emendationem Civitatis eis conceſſimus quod omnes ſint quieti de Bridtol & de Childwite & * Jereſleue & de Scotale, ita quod Vicecomes noſter Londoniæ nec aliquis alius Ballivus Scotale non faciat. Haſ prædictas conſuetudines eis conceſſimus & omnes alias libertates & liberas conſuetudines quas habuerunt tempore Henrici Regis Avi Patris noſtri quando meliores & liberiores habuerunt. Quare volumus & firmiter præcipimus quod ipſi & hæredes eorum hæc omnia prædicta hæreditarie & integre habent & teneant de nobis & hæredibus noſtris. Teſtibus Huberto Cantuarienſi Archiepiſcopo Cancellario noſtro. W. Londoniæ Epifcopo, &c. Data per manum prædicti Huberti Cantuarienſis Archiepiſcopi Cancellarii noſtri apud Sornham decimo Septimo die Junii, Anno Regni noſtri primo.

* 1 Johan-
nis, M.
20.

*The Citifens of London gave 3000 Marks for the Confirmation of their Liberties by this Charter, as appears by the * Oblata Roll of this year, and it was left in the Hands of Geofry Fitz-Peter until they paid the Money.*

Cives London dant Domini Regi tria Millia Marcarum pro habenda confirmatione Domini Regis de Libertatibus ſuis in Carta, & liberabitur *Galfrido filio Petri* per ſic, Quod ſi illa tria millia Marcarum volunt dare ſuam Cartam habebunt, ſin autem non, Cartam non habebunt.

Winton

Winton. I Ric. I.

Ricardus Dei Gratia Rex Angliæ, Dux Norman-
niæ, &c. Archiepiscopis, Episcopis, Abbati-
bus, Comitibus, Baronibus, Justiciariis, Vicecomi-
tibus, Ministris & omnibus Ballivis & fidelibus suis
totius terræ suæ, Salutem. Sciatis nos concessisse
Civibus nostris Wintoniæ de *gilda Mercatoria*, quod
nullus eorum placitet extra muros Civitatis Wintoniæ
de ullo placito præter placita de tenuris exterioribus,
exceptis Monetariis & Ministris nostris. Concessi-
mus etiam eis quod nullus eorum faciat duellum, &
quod de placitis ad Coronam nostram pertinentibus se
possint diffrationare secundum antiquam consuetudi-
nem Civitatis. Hæc etiam eis concessimus quod om-
nes Cives Wintoniæ de *Gilda Mercatoria* sint quieti
de Theloneo & Lestagio & Pontagio in feria & extra
& per portus maris omnium terrarum nostrarum citra
mare & ultra, & quod nullus de Misericordia pe-
cuniæ judicetur nisi secundum antiquam legem Civi-
tatis quam habuerunt tempore antecessorum nostro-
rum, & quod terras & tenuras suas & vadimonia &
debita omnia iuste habeant quicunque eis debeat, &
de terris suis & tenuris quæ infra urbem sunt rectum
eis teneatur secundum consuetudinem Civitatis, &
de omnibus debitis suis quæ accommodata fuerint
apud Wintoniam & de vadimoniis ibidem factis pla-
cita apud Wintoniam teneantur, & si quis in tota terra
nostra Theloneum vel consuetudinem *ab hominibus*
Wintoniæ de *Gilda Mercatoria* ceperit, post quam
ipse a recto defecerit Vicecomes de Southamton vel
Præpositus Wintoniæ *Namium* inde apud Wintoniam
capiat. Insuper etiam ad emendandam Civitatem
eis concessimus quod omnes sint quieti & de * Jeres-
giene & de Scottefhale ita quod si Vicecomes noster
vel aliquis alius Ballivus Scotthale faciat. Has præ-
dictas consuetudines eis concedimus & omnes alias
libertates & liberas consuetudines quas habuerunt tem-
poribus Antecessorum nostrorum quando meliores vel
liberiores habuerunt; & si aliquæ consuetudines in-
iuste levatæ fuerunt in guerra cassatæ sint, & quicun-
que petierint Civitatem Wintoniæ cum mercatu suo
de quocunque loco sint, sive extranei sive alii, veniant,
morentur

Cart.
Antiq.
R. n. 30.
N. 19.

* The
same with
Gerefuma,
see *Wal-
lingford*
Charter.

morentur & recedant in Salva pace nostra reddendo rectas consuetudines, & nemo eos disturbet super hanc Cartam nostram. Quare volumus & firmiter præcipimus quod ipsi & *heredes* eorum hæc omnia prædicta *hereditarie* habeant & teneant de nobis & *heredibus nostris*. Testibus Waltero Rothomagensi Archiepiscopo, R. Bathoniensi, H.

Coventrensi Episcopis, Bertram de Verdun, Johanne Marescallo, W. Marescallo.

* In Normandy.

Data per manum Johannis de Alencon Archidiaconi Lexoviae Vicecancellarii nostri apud * Nunancurt decimo quarto die Martii, Anno primo Regni nostri.

Lincoln. 1 vel 2 Ric. 1.

Cart.
Antiq.
F. n. 16.
N. 20.

Ricardus Dei Gratia *Rex Angliæ, Dux Normannia, Aquitania, Comes Andegavia* Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris & omnibus fidelibus suis tam Francis quam Anglis, Salutem. Sciatis nos concessisse Civibus nostris Lincolnia quod nullus eorum placitet extra Civitatem Lincolnia de aliquo placito præter placita de tenuris exterioribus, exceptis Monetariis & ministris nostris. Concessimus etiam quietanciam murdri infra Civitatem & in *Portsocha* & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus se possint diffrationare secundum consuetudinem Civium Civitatis Lincolnia, & quod infra Civitatem illam nemo capiat hospitium per vim vel per liberationem Marescalli. Hoc etiam eis concessimus quod omnes Cives Lincolnia sint quieti de Theloneo & Lestagio per totam Angliam & per portus Maris, & quod nullus de Misericordia pecunie judicetur nisi secundum legem quam habent Cives nostri Londonia, & quod in Civitate illa in nullo placito sit Meskenninga, & quod * Burwaremot semel tantum in ebdomada teneatur; & quod terras & tenuras & vadia sua & debita sua omnia iuste habeant quicunque eis debeat, & de terris suis & tenuris quæ infra Civitatem sunt rectum eis teneatur secundum consuetudinem Civitatis,

* The Burgh or Folkmot, or Court of the In-

tis, & de omnibus debitis suis quæ accommodata fuerint apud Lincolniam & de vadiis ibidem factis placita apud Lincolniam teneantur. Et si quis in tota Anglia Theoloneum vel consuetudinem ab hominibus Lincolniz ceperit postquam ipse a recto defecerit, *Præpositus* Lincolniz *Namium* apud Lincolniam capiat. Insuper etiam ad emendationem illius Civitatis illis concessimus quod sint quieti de Bridtol, & de Childwite & de Geresgiene & de Scothale, ita quod *Præpositus* nec alius Ballivus Scothalam faciat. Hæc prædictas consuetudines eis concessimus & omnes alias libertates & liberas consuetudines quas habuerunt vel habent Cives nostri Lundoniz quando meliores vel liberiores habuerunt secundum libertates Lundoniz & leges Civitates Lincolniz. Quare volumus & firmiter præcipimus, quod *ipsi & hæredes* eorum hæc omnia prædicta habeant & teneant hæreditarie de nobis & hæredibus nostris reddendo per annum novies viginti libras numero de Lincolnia cum omnibus pertinentiis ad Scaccarium nostrum duobus terminis, ad Pascham, Scilicet, & ad Festum Sancti Michaelis per manum *Præpositi* Lincolniz. Et Cives Lincolniz faciant *Præpositum* quem voluerint de se per annum qui sit *idoneus* Nobis & eis. Testibus his Huberto Cantuariensi Archiepiscopo, Willielmo Marefcallo, Guafrido filio Petri, Hugone Bam Data per manum Willielmi Eliensis Episcopi Cancellarii nostri apud Winton.

William Longchamp Bishop of Ely, was Chancellor of England before he was Consecrated Bishop of that place. Anno Domini 1189. 1 Richar 1. and was deposed from his Chancellorship A. D. 1191. So that this Charter was dated by him, either in the First, or Second year of King Richard the First.

York. 1 Johannis.

Johannes Dei Gratia, &c. Sciatis nos concessisse Civibus nostris de Eboraco omnes libertates & leges & consuetudines suas & nominatim *Gildam* suam *Mercatoriam & Hanfas* suas in Anglia, & Normania, Cart. 1.
Johan. p.
1. n. 75.
N. 21.

nia, & Lestagia sua per totam Costam maris quietā sicut ea unquam melius & liberius habuerunt tempore Regis Henrici *Avi* patris nostri. Et volumus & firmiter præcipimus, quod prædictas libertates & consuetudines habeant & teneant cum omnibus libertatibus prædictæ *Gildæ suæ & Hanfis* suis pertinentibus, ita bene & in pace libere & quiete sicut unquam melius liberius & quietius habuerunt & tenuerunt tempore prædicti Regis Henrici *Avi* patris nostri, sicut Carta ejusdem Patris nostri & Carta Regis Ricardi fratris nostri rationabiliter testantur. Præterea Sciatis nos concessisse & præsentī Carta confirmasse omnibus civibus nostris Eboraci quietanciam cujuslibet The-
 lonei, & lestagii, & * Dewree, & Pontagii, & Pas-
 sagii & de trespas & de omnibus Costivis per totam Angliam & Normanniam, & Aquitaniam & Andegaviam & Pictaviam, & per omnes portus & Costas maris Angliæ & Normanniæ Aquitanix Andegaviæ & Pictaviæ. Quare volumus & firmiter præcipimus quod inde sint quieti, & pro hibemus ne quis super hoc disturbet super decem libras forisfacturæ, sicut Carta Ricardi Regis fratris nostri rationabiliter testatur. Testibus G. Eboracensi Archiepiscopo, Ph. Dußelmenſi Episcopo, Guafrido filio Petri Comitiss Essex, &c. Data per manum S Wellensis Archidiaconi & Johannis de Gray apud Eboracum Vicesimo quinto Dei Martii, Anno Regni nostri primo.

Norwich. I Johannis.

Cart. 1. **J**Ohannes Dei Gratia, &c. Archiepiscopis, &c.
 Johan. p. Sciatis nos concessisse Civibus nostris Norwici
 1. m. 11. quod nullus eorum placitet extra Civitatem Norwici
 n. 146. de nullo placito præter placita de tenuris exterioribus,
 N. 22. exceptis Monetariis & Ministris nostris. Concessimus eis etiam quietanciam murdri & Gawitam infra Civitatem, & quod nullus eorum faciat duellum, & quod de placitis ad coronam pertinentibus se possint disrationare secundum consuetudinem Civitatis Londoniæ, & quod infra Civitatem illam nemo hospitetur

hospitetur vel caplat quicquam per vim. Hoc etiam concessimus eis, quod omnes Cives Norwici sint quieti de Theloneo & Lestagio per totam Angliam & per portus maris, & quod nullus de misericordia pecunie judicetur nisi secundum legem quam habent Cives nostri Londoniæ, & quod in Civitate illa in nullo placito sit Miskenniga, & quod *Hustinga* semel in ebdomade tantum teneatur & quod terras suas & tenuras, & vadia sua & de vita sua omnia iuste habeant, quicumque eis debeat, & de terris suis & tenuris quas infra Civitatem sunt, rectum eis teneatur secundum consuetudinem Civitatis, & de omnibus debitis suis quæ accommodata fuerint apud Norwicum & de vadiis ibidem factis placita apud Norwicum teneantur. Et si quis in tota Anglia Theloneum vel consuetudinem ab hominibus Norwici ceperit, postquam ipse a recto decederit, *Præpositus* Norwici *Namum* inde apud Norwicum capiat. Has prædictas consuetudines eis concessimus & omnes alias libertates & liberas consuetudines quas habuerunt & habent Cives nostri Londoniæ, quando meliores vel liberiores habuerunt secundum libertates Londoniæ & leges Civitatis Norwici. Quare volumus & firmiter præcipimus, quod ipsi Cives & hæredes eorum hæc omnia prædicta cum Civitate & pertinentiis ejus *hæreditarie habeant & teneant de nobis & hæredibus nostris*, reddendo per annum *Centum & octo* libras Sterlingorum blancas de Civitate Norwici per manum *Præpositi* Norwici ad Scaccarium nostrum in termino Sancti Michaelis. Et Cives Norwici faciant *Præpositos* de se per annum, qui sint *idonei nobis & eis*. Testibus H. Sar. Episcopo, S. Wellensi Archidiacono J. de Gr. Data per manum H. Cantuariensis Archidiaconi Cancellarii nostri apud Genom. Vicefimo secundo die Septembris anno Regni nostri primo.

*In the Chappel of the Rolls, in the Bundle
of Returns of Parlement Writs, in the
14 of Queen Elizabeth.*

N: 23. **T**O all Christian People to whom this present Writing shall come. I Dame *Dorothy Packington* Widow, late Wife of Sir *John Packington* Knight, Lord and Owner of the Town of *Aylesbury*, sendeth Greeting. Know ye, Me the said Dame *Dorothy Packington*, to have chosen, named and appointed my trusty and well-beloved *Thomas Lichfeld* and *George Burden* Esquires, to be my Burgessees of my said Town of *Aylesbury*. And whatsoever the said *Thomas* and *George*, Burgessees, shall do in the Service of the Queens Highness in that present Parliamtent to be holden at *Westminster* the Eighth Day of *May* next ensuing the date. hereof, I the same Dame *Dorothy Packington* do ratifie and approve to be my own Act, as fully and wholly as if I were or might be present there. In witness whereof, to these Presents I have set my Seal, the Fourth Day of *May*, in the 14th Year of the Reign of our Sovereign Lady *Elizabeth*, by the Grace of God, of *England, France and Ireland*, Queen, Defender of the Faith, &c.

*In the Chappel of the Rolls, and Bundle of
Returns of Parlement Writs this Year.*

N: 24. **H**ec Indentura facta apud *Aylesbury* in Comitatu Bucks vicesimo octavo die Septembris Anno Regni Dominæ nostræ *Elixabethæ Dei Gratia Angliæ, Franciæ & Hiberniæ Regniæ Fidei Defensoris, &c.* Vicesimo Octavo, Inter *Edwardum Bulstrode* Armigerum Vicecomitem Comitatus prædicti ex una parte & *Johannem Packington* Armigerum Dominum Burgi de *Aylesbury*, & Comunitatem ejusdem ex altera parte Testatur. Quod prædictus *Joanes Packington*, & Comunitas ejusdem Burgi & Villæ virtute Warranti ejusdem Vicecomitis Ballivo prædicti
Johan-

Johannis Packington directi die & Anno prædictis eligerunt Thomam Tasburgh & Thomam Scot Armigeros Effendos Burgenses pro Burgo & Villa prædicto, ad Parliamentum Dominæ Regniæ apud Westmonasterium Quinto decimo die Octobris proximo futuro tenendum. Et quod idem Burgenses plenariam & sufficientem du potestatum pro se, Burgo, & Villa prædictis habent ad consentiendum eis quæ tunc ibidem pro Comuni Consilio ejusdem Parliamenti pro utilitate Regni Angliæ ad dictum Parliamentum favente Deo contigerint ordinari. In cujus Rei Testimonium tam prædictus Johannes Packington & Comunnitas Villæ prædictæ, Quam prædictus Vicecomes sigilla sua hiis Indenturis alternatim apposuerunt die & Anno supra-dictis.

Les Petitions des Citizeins de Burgeis.

A Nostre Seigneur le Roi, & son noble Conseil mon-
strent ses Citezeins de la Citee de Londres, que
come ils neient d'ont vivre, si non pur leur Travail
& Franchise, sur queux Franchise la dit Citee estoit
Fundus. Et a cause la dite Franchise ils soloient Tra-
vailler per Terre & Meer en divers Terres à faire leur
profit, par quelle Travailleur ils soloient de divers Ter-
res amesner divers Merchandises à Grant Comune
profit de Tout la Roialme Denglleterre, à Grant
Eyde & Maintenance de la dite Citee, sustenance &
encresece del Navy de la dite Terre. Et ore tard leur
dites Franchises sont tolluz encontre la Grante nostre
dit Seigneur le Roy, ses noble Progenitors Ensealez
de souz leur sealez & encontre la Grant Chartre, à
Grant Destruccion si bien du dite Citee, Comunes
Damages de la Terre, Come al dite Navie, sur quoy
ils prient que leur plesse avoir Regard, que la dite
Citee est funduz sur lesditz Franchises, saunz queux
ils ne poient la dite Citee Mayntener, ne les Taxes
& autres Charges porter come ils soloient faire, sur
quoy ils prient qu'ils puissent avoir leur dites Fran-
chises solonc la Grant nostre dit Seigneur le Roi, les
noble Progenitores, & la Grant Chartre. Et que

[Rot. Parl.
46. Ed. 3.
N. 46.
N.º 29.]

altius Grants, & Confirmements des Franchises, soient faitz as toz autres Citees & Boroghs du Roialme.

Ro. Declarent en especial Queles Franchises leur sont Toluez, & Droit leur serra fait.

[Retorn.
Brev Parl.
2. Hen. 5.]
N.º 26.
Parlement
Burgesses
chofen in
the Coun-
ty-Court.
12 Bur-
gesses
Electors.

HEC Indentura testatur quod virtute cujusdam brevis Domini Regis Roberto Hakebecks Vicecomiti Cantabrigiæ directi & huic Indeture confuti, facta proclamatione in proximo Comitatu Cantabrigiæ apud Cantabrigian tenro die Jovis proximo ante festum Apostolorum Simonis & Jude, Anno Regni Regis Henrici quinti post Conquestum secundo, Alexander Westmerland, Johannes Knapton, Robertus Gerneys, Alanus Huberd, Robertus Attilbrigg, Hen. Topclef, Johannes Sexteyn, Thomas Wexchaundeller, Johannes Abraham, Willielmus Histon, Johannes Lustere, & Willielmus Duke, Burghenses de Burgo Cantabriggiæ, qui proclamationi illi inter fuerunt elegerunt *Johanem Grenelano, & Johanem Hokynton duos Burgenses pro Burgo predicto ex assensu totius Communitatis Burgi predicti* essend. ad parliamentum dicti Domini Regis teneri ordinatum apud Westminsterium die lune proximo post octabas sancti Martini proximo futur. Qui quidem Burghenses plenam & sufficientem potestatem habent pro se & Communitatibus Burgi predicti ad faciend. & consentiendum hiis que tunc ad dictum parliamentum favente Domino ordinari contigerit. In cujus rei testimonium tam predictus Vicecomes quam predicti Alex. Johannes, Robertus, Alanus, Robertus, Henricus, Johannes, Thomas, Johannes, Willielmus, Johannes, & Willielmus, presentibus Indenturis Sigilla sua alternatim apposuerunt. Dat, loco die & anno supra-dictis.

[Retorn.
Brev. Parl.
27 H. 6.]
N.º 27.

HEC Indentura testatur quod virtute cujusdam precepti Domini Regis, Richardo Wright Majori Cantabrigie facta proclamatione in proxima Curia libertatis Ville predictæ tenta post receptionem ejusdem precepti

precepti die Veneris proximo ante festum Purificationis beate Marie Virgins, Anno Regni Regis Henrici Sexti post Conquestum Vicesimo septimo Richardus Andrewe, Johannes Neel, Thomas Harman, Johannes Scot, Johannes Colbrok, Johannes Lawe, Robertus Garland, & Johannes Heshewell, Burgenfes Ville predictæ qui proclamatione predictæ fuerunt, & illi octo secundum consuetudinem libertatis Ville predictæ eligerunt Willielmum Temays & Johannem Croft duos Burgenfes idoneos pro Communitate predicti Burgi Cantabrigie qui plenam & sufficientem potestatem pro se & Communitate Burgi predicti habent, ad faciendum & consensendum super hiis que in Parlamento Domini Regis apud Westminster duodecimo die Februarii proximo futuro teneri ordinari contigerit juxta formam precepti predicti. In cujus rei testimonium predicti Richardus Andrewe, Johannes Neel, Thomas Hayrman, Johannes Scot, Johannes Colbrok, Johannes Lawe, Robertus Garland, & Johannes Heshewel presenti Indenturæ Sigilla sua apposuerunt dat. die loco & anno supradictis.

Eight
Electors
secundum
consuetudinem
Libertatis
Ville, &c.

HEC Indentura facta inter Johannem Harleston Armigerum Vicecomitem Comitatus Cantabrigie ex una parte & Majorem Ballivos & Comitatus Ville Cantabrigiæ ex parte altera, testatur quod idem Vicecomes apud Castrum Cantabrigie in pleno Comitatu suo ibidem tento die Jovis decimo quinto die Octobris Anno Regni Regis Henrici Sexti Vicesimo nono virtute brevis Domini Regis presentibus consuti, & prefato Vicecomiti directi, eligi feci per octo personas secundum consuetudinem Villagæ predictæ, Videlicet per Ricardum Togcod, Henricum Symmesson, Johannem Sergeant, Benedictum Morys, Thomam Hunmale, Johannem Sexteyn, Willielmum Alreth, & Robertum Damay, tunc ibidem presentes duo Burgenfes Burgi predicti inagis idoneos & discretos juxta formam predicti brevis videlicet Johannem Cooke, & Johannem Barton Ville predictæ plenam potestatem & sufficientem habentes ad consensendum & faciendum in parlamento in dicto

Retorn.
Brev. Parl.
29 H. 6.
N. 28.

Burgeses
chosen in
the County
Court.

Eight
Electors
secundum
consuetudinem
Villagæ,

brevi specificato quod dictum brevis in se exigit & requirit juxta formam ejusdem brevis pro se & Communitate Ville & Burgi predicti divisim. In cujus rei testimonium tam predictus Vicecomes quam predicti Major, & octo Burgenses Ville predictæ Sigilla sua presentibus induntur alternatim apposuerunt data die Anno & loco supra-dictis.

Patent 1
Jac. 2. in
capella
Rot.
N. 29.
Nova
Windfor.

ET Insuper Voluimus at per presentes ordinamus & de uberiori gratia nostra speciali pro nobis heredibus & successoribus nostris concedimus prefato Majori Ballivis & Burgensibus & Successoribus suis quod in perpetuum sint & erint in Burgo predicto viginti octo homines vel aliquis alius numerus non excedens numerum triginta in numero tantum, de melioribus & probioribus Inhabitantibus ejusdem Burgi de tempore in tempus in hujusmodi modo & forma eligendos & constituendos *sicut ex antiquo & temporibus retroactis secundum ordinationes, usus, & consuetudinem Burgi illius antehac usi fuerunt & consueverunt*, qui erunt, vocabuntur, & nominabuntur fratres Guildhall Burgi de Nova Windfor, ac sic continuabuntur & permanebunt in Fraternitate illa quamdiu sese bene gesserint in eadem, Nisi interim pro aliqua causa rationabili ab officio & loco predictis amovebuntur, aut eorum aliquis amovebitur Qui quidem fratres sic in forma Superius specificati, electi, prefecti & nominati facient & erunt, & in perpetuum futuris temporibus *vocabuntur commune Concilium Burgi predicti* pro omnibus rebus, materiis, causis & negotiis Burgum predictum ac bonum regimen, Statum, & Governmentem ejusdem Burgi tangentibus sive concernentibus ac erunt de tempore in tempus assistentes & auxiliantes Majori & Ballivis ejusdem Burgi pro tempore existentibus, in omnibus causis & materiis eundem Burgum tangentibus sive concernentibus volumus; in super ac per presentes pro nobis heredibus & successoribus nostris ordinamus & concedimus quod ex numero predicto fratrum Guildhalde Burgi predicti sic ut prefertur electorum & prefectorum eligendum & preficiendorum tres decim eorum in perpetuum de cetero erunt, & vocabuntur ac nominabuntur

I

tur Socii Anglice les Benchers Burgi predicti, ac etiam erunt & perpetuis futuris temporibus vocabuntur, & nominabuntur Socii, Anglice *Benchers of the Guildhall* infra Burgum predictum ac informa inferius in presentibus mentionata de tempore in tempus eligentur & constituentur Ex quoque quidem tres decem Sociorum numero sic electorum & prefectorum eligendorum & preficiendorum decem eorum in perpetuum de cetero erunt, vocabuntur, & nominabuntur Aldermani sive Primarii Socii Anglice les Chiefe Benchers Burgi illius, Qui quidem Aldermani sive Primarii Socii Anglice les *Chiefe Benchers* Burgi predicti de tempore in tempus eligendi & constituendi informa inferius in presentibus mentionata & expressa de tempore in tempus eligentur & constituentur, Ex quoque quidem decem Aldermannorum numero unus Anuatim elegetur in officium Majoris Burgi predicti, modo & forma inferius Specificatis, & Officio Majoris Burgi predicti peracto deinde perpetuis futuris temporibus erit, vocabitur & nihilominus remanebit unus de Aldermannis sive Primariis Sociis, Anglice les *Chiefe Benchers* Burgi predicti, Et ulterius volumus ac per presentes pro nobis heredibus & Successoribus nostris ordinamus quod de cetero in perpetuum sint & erunt in Burgo predicto duo Ballivi in numero tantum de fratribus Burgi predicti in forma his literis Patentibus Specificata eligendi, & constituendi.

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